CURRENT HIGHLIGHTS OF THE PSIHOSOCIOPROFESIONAL PROFILE OF THE TOP MANAGER IN THE ROMANIAN JUDICIARY

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Abstract: Judicial managers, as a particular category of public managers, have the challenging mission of leading the courts using successful methods and techniques used by the private sector, and in the same time strictly respect the limitations and requirements imposed by law and as well they have to take into account the judicial organization’s characteristics and the special status of the magistrates who activate in this system. In this context, outlining the successful manager’s profile in field of justice gets special valences and requires a multiple perspective approach. Clearly, the quality in the judicial organizations is decisively linked to the way managers use their own skills, knowledge, conducts and attitudes in order to create an appropriate organizational environment for professional development and complete involvement of staff. Moreover, they must assume the role of a leader and provide the positive personal example to motivate and inspire the subordinates.

Key words: president of court, manager, leader, top manager profile, leader development, individual performance

JEL Clasification: K 00

Methodology

The objective of this study is to develop understanding of the peculiarities and the role of the managers of court and to outline a profile of the top manager in the field of justice in order to provide solutions regarding how executive leaders can develop to create a proper working climate and to increase performance in judicial organizations.

The complexity of the issues subject to research determines the need to use a scientific methodology which incorporates a wide range of methods, techniques, tools and procedures:
- The study of general and specialized bibliography in order to base the scientific research and knowledge of the studied issues;
- The scientific and empirical observation method of the managerial presences in the Romanian judicial system focusing on managerial psychology needs;
- Interdisciplinary methods linking managerial, psychological, economic and legal concepts;

The research aims to improve and increase knowledge of the areas studied through application of management and managerial psychology to the specificity of the legal system and its organizations on the one hand, and to find solutions to concrete problems, on the other hand.
The study is concerned with several main key concepts: manager of the court, president of the court as manager and executive leader, top manager profile, performance.

Judicial Managers are: the President – manager of the court of law, the President - manager of tribunal, the President - Court of Appeal manager, the Vice-presidents, without exceptions judges which are promoted in leading position, based on their skills and experience.

Executive Leader – An individual who has the authority and responsibility to develop and manage a semi-autonomous organization as a whole to achieve the purposes of that organization. From this point of view the presidents of courts must be seen as executive leaders.

Executive Leader Development- The expansion of a person’s capacity to be effective in executive leadership roles and processes.[7]

Besides explaining the role of the managers of the courts in Romania and the qualities required the study tries to explain how executive leaders can develop and transform the institutions they manage into high-quality and high reliability organisations.

The study was guided by the following assumptions:
- Shaping a profile of the top manager in the judiciary one should consider the specific aspects of the profession of judge, managerial and psychological aspects as well.
- Without fully exhausting the top manager profile issue, we consider necessary the following requirements: double professionalization, innovative character, the need of a strong psychological culture, leadership.
- Judicial organizations need both management and leadership in order to fulfill their purpose.
- The president of the court can improve the individual performance by assuming a leadership role, inspiring people, facilitating development and communication.
- Judicial managers can learn to grow, improve and change to become effective in executive leadership roles.

1. Introductive considerations

Fulfilling the specific duties, the judicial manager, as best represented by the court president, will encounter unique limitations, unknown barriers to the manager of a private company and sometimes not even by the other categories of public managers. On the other hand, he has special attributes that the private manager will never experience such as monopole or the power of coercion enforcement toward the citizens, the judicial services customers.

The manager is associated with the power of leading. This ability designates the influence that a manager exerts on the staff, including the process of achieving the organization’s objectives. This power varies from one manager to another being directly proportional to the number of qualities possessed by the manager. [2]

Some authors consider that a successful manager must possess ten essential qualities (Nicolescu, A, 2004) [14], namely:
- a) ability to establish a clear direction of action;
- b) the availability for open and intense communication with the subordinates, with the superiors, with other managers at the same level;
- c) capacity of training and support the people;
- d) the ability of objective recognition of subordinates performance;
- e) ability to perform uninterrupted control;
- f) the ability of selecting the best person for hiring in the organization as staff;
- g) ability of evaluating the decisions’ implications;
- h) open-minded, open to what is new;
- i) the ability to communicate clear decisions to subordinates;
- j) ethical integrity.

From another point of view, defining the qualities of successful managers are summarized as follows [6], : a) double professionalization, the manager must possess both management and specialized knowledge; b) highly innovative character, necessary in unusual and special cases which usually the managers encounter during their activity.

2. Double professionalization (manager and specialist)

By double professionalization is understood the acquirement, along with the election in a management function, of a second profession, the one of manager, in addition to its specialty, as judge.

The need of special training and knowledge in the field of law and professional experience can not be disputed, these requirements providing a theoretical and also professional competence.

We must emphasize that the managerial process it is never accomplished in an abstract way, the entire managerial methodology must be used into a specific area of activity.
Another aspect that justifies the importance of specialized training is the reality that the managers fulfil also external roles, the representation role, and in relationships of collaboration with other similar institutions are discussed professional issues specific to the domain and not managerial issues.

Furthermore, the staff expects that the manager to be explicit when appointing the tasks, to support them when they encounter difficulties, and all these are possible only in the case of professional competence.

Granting the status of manager and the professionalization of managerial activity it is based on several arguments:

a) The management process involves certain activities, tasks and assuming some specific responsibilities that are not found in other professions. Managerial activity is therefore a well defined and individualized field, that it is not overlapping other professional domain.

b) The management has exceeded craft stage, based on traditions and practices, being based on scientific grounds using and applying modern methods.

c) The manager has a well-defined social and legal status, which provides a range of rights and obligations, through which managers can be distinguished from other categories of specialists.

3. Innovative character

Judicial management has an elevated character or as some field experts are saying (namely Lidia Barac) “it is a more refined management”, determined on one hand by the purpose of activities that are taking place in the courts, and on the other hand by the judicial organizations’ staff statute. This basically means an innovative character of the judicial manager called to respond the challenges in order to identify those ways, techniques, methods likely to ensure the achievement of organizational goals established strictly and sometimes limited by law. So, using its own creativity he must find the most appropriate methods and techniques in achieving organizational goals and motivating staff, respecting the limitations imposed by law and not having the liberty and the necessary motivational tools that private managers have.

4. The need of a strong psychological culture

Besides the double professional skills and a sharp innovative capacity, current requirements demand a real psychological culture which consists of cognitive elements such as self-knowledge, knowledge of people, the ability to communicate and to direct the behaviour in order to create and maintain a favourable psychological climate of the team, absolutely necessary for an efficient leadership.

Currently, the knowledge that the field of psychology brings it is not taken too much into consideration. Many managers do not take into consideration this need or they are simply indifferent. In order to know how to work with people first we must understand them, and the training and the tutoring can not take place outside the psychology’s methods if we want to act in a scientific way, to develop strong personalities with a high professionalism and loyalty to the institution.

The efficiency of management requires awareness of its own tendencies and adequate appreciation of the human resources. Studying the team, analyze the errors, selecting a system of measures and actions that would ensure the most rational ways of achieving the goals set by the organization could be considered ways of improving the management. E Mayo argued, long ago, that solving the problems by adopting some psychological positions respectively for increasing labour productivity and solving conflicts between workers and management, it is necessary to act on the human psyche, to change workers’ attitude towards work "..." [9] -

In conclusion, in order to use its full innovative potential of the human resources, there are necessary incentives not only of financial type but also social and psychological one.

5. Leadership

Court managers and mostly the president of the court, as the top of the managerial hierarchy are a special category of public managers who, in fulfilling their tasks, guide and motivate people. Fulfilling their mission they face unique limitations imposed by the requirements of the law, the features of organisation and by the status of magistrates that work within the court. Under the circumstance leadership is in demand.

Court presidents should be leaders and not just managers, characterized by team spirit, ability to be penetrating, to defend their interests in an environment that requires such an attitude, but should also cooperate, a necessary aspect in large organizations with full activity, as the courts are. [15, p.95]

Leaders have vision and in order to elaborate a plan they must establish a strategy taking into account the interests of other employees and other groups within the organization. [5, p.107]

In accordance to this high responsibility the heads of the court must accept the challenge to develop their leadership potential in order to influence the proper function of the institution and at the same time, the individual performance of each member.
President of court, manager or leader?

Some authors make a clear difference between management and leadership and may object to associating leadership with a functional role or an organizational position. Their argument is that leadership is related more to personal power and management has more to do with positional power.

Zaleznik (1977), initiating a controversy, sustains that managers and leaders are basically different. In order to his theory leaders are creative and change-oriented, generate excitement among followers, focus on perspective and meaning and deal in ideas and substance.

In opposition, managers are role-oriented and process-oriented, mainly preoccupied with methods for getting things done.

The leadership theories differ very much. Other authors, like Peter Drucker or Schermerhorn (as cited by Compton, D.S.) view effective leadership as equivalent to effective management. [7,p.13]

Jaques and Clement (1991) also do not find importance in differentiating leadership and management: „Good management includes good leadership as an integral part of its function, without which management per se cannot exist [11,p.17]

We favour a third position that recognizes management and leadership as being different concepts though to a certain point complementary, representing essential stances that can be experienced by the same person.

The mission of justice calls for court presidents to be managers and leaders at the same time in order to accomplish such a difficult load.

To conclude, for court presidents as executive leaders to be effective in the context of justice activities, they need to have skills to assume both management and leadership roles.

Unlike other organisations where individuals without formal roles may wield leadership roles by influencing and inspiring others, judicial organisations like courts are not likely to change course without endorsement by formal leaders. The rigour of legislation and organisation makes leadership solely the attribute of court presidents.

Presidents of the courts need to have four major skill sets [14, p.175] cognitive skills, as a support for sorting the information gathered and to anticipate future situations, interpersonal skills, vital in evaluating and motivating staff and managing potential conflicts, communication skills which enable them to reduce communication barriers and training all staff in the work of the court by promoting participatory management, motivational skills related to the ability of the manager to establish clear, realistic objectives and focus staff efforts to the achievement of them.

In relation to the hierarchical level of operating, the managerial skills of the president of the court are:

A. President – Manager of the court of law
   - Requires a solid grounding in both the purpose of the court and in the management;
   - Lack of reluctance to deal with staff, bosses or colleagues about the problems arisen;
   - Technical skills aimed at understanding specific tasks and very good knowledge of the activity undertaken in all auxiliary sectors and of the techniques and methods used in their field. [15]

B. President - Manager of tribunal:
   - Developed communication skills;
   - Negotiation skills and techniques;
   - Evaluator of the crisis, followed by the identification of optimal solutions to extinguish the conflict;

C. President - Court of Appeal manager
   - Visionaries and strategists;
   - Team spirit;
   - Developing plans made under anticipated planning, thus protecting the interests of the other courts.

Obviously, the specificity of each hierarchical step demands particular developed activities, skills and tasks. Accordingly, at the court level it is observed the need for technical skills, in the tribunal level enhanced skills in communication are necessary and at the court of appeal level, the complexity of characteristics requires more than any other hierarchical level the president of the court’s ability to be not only a manager but also a leader.

Irrespective of the hierarchical level, the role of the president remains equally important. It is he who influences the individual performance organizing the judge’s work and striving for professional development. He must prove a great flexibility and adjustment and mainly to analyze the individual performance of judges overcoming formal standards and benchmarks. A just evaluation of subordinates must consider all factors of the work environment: resources available, the distribution of tasks, relations within the institution, peers and staff.

The reality however is that judges feel burdened with work and lack of support from management. [17], [16].

There are serious discrepancies between how president perceives his role and the expectations of judges, especially related to their organizational problems which may lead to an inadequate work environment, thus playing a decisive role in lowering individual performances.

Leadership is the energy behind every court system and court accomplishment. Fortunately, and contrary to what many believe, leadership is not a mysterious act of grace. Effective leadership is observable and, to a significant
extent, learnable. Academic debate about the difference between leadership and management has resulted in consensus that a difference exists, but it is not a matter of better or worse. Both are systems of action. In the memorable words of Warren Bennis, “Managers do things right. Leaders do the right things.” [4, p.39]

Effective courts have an obvious need for both management and leadership. Management means complexity while leadership means creativity, change and development.

6. The Profile of the Top Manager in the Judicial Field

Using general knowledge, both management and managerial psychology, adapted accordingly to the specific of the judicial activities, to which we add all the above considerations, we can define a profile of a successful judicial manager.

This profile it is not regarded as a rigid landmark but flexible tool that the manager adapts it accordingly to the situation they are facing.

Table 1. The profile of the top manager of the Romanian Judiciary

<table>
<thead>
<tr>
<th>Requirements</th>
<th>The degree of need</th>
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<tr>
<td></td>
<td>Low</td>
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<td>PROFESSIONAL</td>
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<tr>
<td>1. Higher judicial education</td>
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<td>2. PhD in Legal Sciences</td>
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<tr>
<td>3. Enhanced training course in management</td>
<td>✓</td>
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<tr>
<td>4. Advanced course in marketing and economics</td>
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<td>5. Knowledge of :</td>
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<tr>
<td>- Management/Administration</td>
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<td>- Market economy</td>
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<td>- Psychology</td>
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<td>- Foreign languages</td>
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<td>- Protocol , public relations</td>
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<tr>
<td>I EXPERIENCE</td>
<td></td>
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<tr>
<td>1. Judicial field (minimum 10 years)</td>
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<td>2. Management (minimum 5 years)</td>
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<tr>
<td>II PSYCHOLOGICAL QUALITIES</td>
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<tr>
<td>1. Intelligence</td>
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<td>2. Coordination of ideas</td>
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<td>3. Operational algorithmic structures</td>
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<td>4. Operational heuristic structures</td>
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<td>5. Flexibility thinking</td>
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<td>6. Innovative Spirit</td>
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<td>7. Boldness and risk taking</td>
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<td>8. Perseverance</td>
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<td>9. Receptivity to new</td>
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<td>10. Intrinsic Motivation</td>
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<tr>
<td>11. Management Skills ( forecasting , decision-making , organizational coordination and control)</td>
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<tr>
<td>12. Sanguine or phlegmatic temperament</td>
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<tr>
<td>13 Traits of character</td>
<td></td>
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<tr>
<td>(stringency , objectivity, firmness, critically , modesty , honesty, consistency)</td>
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7. Executive Leader Development

The main dilemma of this study remains if the native qualities are necessary but not enough, how do managers develop to be effective executive leaders in order to change courts in high quality and reliability organizations?

Meaningful development events were identified studying the literature and different reports of several working groups or associations aiming to improve judicial management. According to the National Association for Court Management, the largest organization of court management providing proficiency in the administration of justice, the recommendations to grow leadership competency are based on personal characteristics, acquired knowledge, skill, and ability developed and refined thorough study, reflection, observation of others, practice, and, above all, experience.

To conclude, in order to develop future leaders, a combination of work assignments and experiences, mentoring and coaching, training and education is needed.

The study encourages court presidents to accept the responsibility for development and improve the following areas:

- Act with Credibility, stay Committed, Be Patient & Persistent
- Prepare Development Plans, Create Focus Through Vision and Purpose
- Handle the Insecurity of Specialization
- Seek Coaching and Mentoring, Education and Development,
- Manage Interdependencies: Work Beyond the Boundaries
- Create a High Performance Work Environment,
- Do Skillful and Continual Evaluation

Act with credibility, Stay Committed, Be Patient & Persistent
Court presidents must be oriented toward action in order to reach effectiveness. Transparency and correctness is required thus all their actions are predictable and credible.

They must behave in a reliable manner, demonstrate ethical principles and put their values into action. “They say what they mean, they do what they say, and everybody knows it.” [13]

Court leaders must be fully committed to the organization and its performance by showing persistence and perseverance.

Mastering technical skills along with honesty, responsibility, perseverance and ethics makes them credible. They understand themselves and demonstrate personal integrity. Thus self-understanding and personal credibility determine whether everyone involved in the judicial process, judges and auxiliary personnel will accept the president of the court as a true leader on a long run.

Prepare Development Plans, Create Focus Through Vision and Purpose
It is the vision and the purpose that make the difference between the success and the failure of the courts more than the lack of resources or technical knowledge. The strategy and future plans must be designed, conveyed, properly understood, and put into practice. All the efforts should be focused on critical priorities.
The court presidents must establish visions and high standards, think strategically and tactically, preparing and following development plans.

The president in his quality as a leader must use the power of his office to motivate and persuade the subordinates to contribute to the judiciary’s enduring missions and values.

The role of the President is to coordinate activities within the court employing the most appropriate motivational policies to guide the judge and maintain his efforts towards professional development throughout his career. For this goal to be achievable the president should strive to create a framework conductive to the development of self-motivation as a force guiding individual conduct and his whole behavior. A judge properly motivated channels his aspirations, and especially his efforts to achieve performance targets being creative and innovative.

Therefore, to achieve the ideal of quality, the president must know and encourage knowledge needs, lifelong learning and professional development of judges, endless needs in the context of a work so complex and dynamic.

Motivation becomes difficult for the Romanian judicial manager due to certain factors influencing the quality of magistrates’ work, namely: inadequate conditions of work in the courts, professional overloading and the insecurity of judge’s specialization.

Working conditions have long been conceptualized as extrinsic motivators. Ignoring them, the "hygiene factors" [10] generates dissatisfaction and lack of job satisfaction entails diminishing motivation and performance.

Other motivational theories [12] that talk about a hierarchy of human needs show that individual motivation for self-crossing is subject to the satisfaction of necessities or basic needs, physiological, preceded by the need for recognition and respect.

Finally, theories of intrinsic motivation (Ryan, 1985) are a direct link between performing consistent activities supported by external incitation and internalization reasons. Intrinsic motivation to fair and impartial justice can not be achieved only through participation in socio-professional acts and practices fair and impartial, then passing through the stage where you feel internal obligation to act fairly and impartially and finally reaching the self identification with fair and impartial justice. [8 ]

Seek Coaching and Mentoring, Education and Development,
An effective judicial manager must inspires others, he coaches, mentors and develops people. He ceaselessly identifies teaching opportunities using his great experience and knowledge, he assumes the role of a mentor. One of his main attributes is to help people develop their capabilities and get acknowledgement for their achievements.

A leader always encourages people to use their abilities by giving them meaningful assignments and responsibilities. He delegates and empowers people. He does not hold back people from opportunities of advancement.

Handle the Insecurity of Specialization
Specialization requires specific preparation of a judge giving him a competence in a certain area of law, in which its specialty is linked directly and intimately with the competence of the court within which he operates.

Applying the principle of specialization to ensure compliance with the principle of continuous training, continuity of panels of judges and the principle of optimal workload, it is the “safety net” for obtaining and strengthening the values of impartiality and expertise of judges.[17]

The change of judge’s specialization is based on the need of the system to move judges from one section to another in accordance with the principle of optimum workload in courts and the quickness of case solving in courts and in relation to dynamic processes and rapidly moving legislation.

The flexibility of the system is a requirement to cope with change, courts require judges opened to change specialization and even see this as a professional gain. Reality demonstrates, however, that as in many other areas, people tend to be reluctant to change, newness. Understandable, as long as practice in a particular area certainly brings sufficient knowledge to work effectively and even minimizes the effort of preparing the case. Changing specialization involves increased efforts and limited independence until the judge fails to acquire sufficient professional knowledge to work efficient in the new domain. When specialization is required in a short time a professional conflict of interest arises with several negative consequences for the work in court.

The head of the court must manage such crises by carefully planning the resources needed for the proper functioning of the judicial organization he leads and by establishing and maintaining a professional environment encouraging dynamic changes in the courts.

The President shall develop programs of motivational training and self-development efforts to the orientation towards a lifelong training of the judge. He must know very well his subordinates in order to identify judges willing to change specialization or those individuals who would most easily adjust to change. In conclusion, a carefully planning is very important so that judicial managers can avoid changing the field of jurisdiction of the judges in a short time, a situation that always generates great dissatisfaction and professional discomfort.

Manage Interdependencies: Work Beyond the Boundaries
Judiciary involves besides the work in courts a number of other entities, intrinsic components of the system: Prosecution, Police, Union Bar, Forensic Institute, Probation Service, the Board of Guardians, the General Directorate of Social Assistance and Children Protection, NGOs, and not least the prison network.

Operating and decision-making interdependencies with other justice organizations must be managed efficiently and fairly. Among all these a conceptual framework should exist to ensure that all institutions involved in the justice beyond specific embodiment, understand their skills and goals and work together to achieve unique ends, the administration of justice.

Court managers must lead beyond the boundaries of the court. They must anticipate developments that will affect court operations and create and support coalitions to maintain routines, to produce just dispositions, and to make positive change.

The partnership, a relatively new concept, must be seen as a synergy, "a cooperative effort and collaboration management between contracting parties related to completion of a project in the most efficient way possible by setting common objectives, maintaining open communication channels and solving together all problems that occur. " [1, p.551]

Create a High Performance Work Environment

The actual demands ask for a working climate that encourages performance but, in practice, achieving a high level of performance by establishing a proper working environment is sometimes difficult. Along with increasing volume and complexity of cases, judges are forced to reduce the time assigned for each trial brief, thus remaining solely responsible for the quality of decisions and how the law is interpreted and applied. Time pressure, under the requirement of keeping the same level of procedural terms of 3-4 weeks for the administration of proofs for trial courts, to a much greater causes for each judge, bore another phenomenon: the judges have shortened the time allocated for each file. [17]

In these circumstances the assessment of the President’s activity is absolutely necessary and in terms of his quality of judicial work in court. The introduction of this criterion by concrete indicators and significant weight for the whole evaluation will increase President’s concern for the act of justice and will cause him to be more careful with the amount of work that judges are charged with, the training level of judges and the support staff. The evaluation of President’s activity through qualitative results of the work of subordinate judges need to be regarded as motivating. Equally the decrease of efficiency and interest of the judges, reflected in the quality of their work, must attract the responsibility of the President as well.

Do Skillful and Continual Evaluation

This principle is tightly interdependent with the previous one, creating an environment that encourages performance can not be achieved without a continuous evaluation. Effective court leaders, therefore, evaluate and use continuous diagnosis to measure court performance and progress toward planned targets. They want to be aware and continually ask themselves about how well they are doing. Beside monitoring performance the leader must provide feedback to people, clear, accurate information that promotes improvement, based on effective communication.

The most important contribution of the president of the court in his state of leadership is the investment in human capital as the most important resource of the organization, the only one able to generate new energy and give value to all other resources. President (Belbin, 1981, as cited Chirică, 1996) is "the person who chairs the team and coordinates its efforts. He must be disciplined, focused and balanced, a good evaluator of people and activities, a man who is effectively through his ability to notice the availability of individuals and seize the opportunities to exploit them, and all these features are. [6]

Conclusions

Current directions in achieving quality in the judicial system require well-trained managers both professional and managerial, efficient, competent, impartial, transparent, responsible, attributes that are insufficient without proper communication skills of the leaders. Highly professional training it is practical cancelled if the manager is arrogant, does not have the ability to listen and be responsive to the staff’s expectation. A conductive work environment for the individual development and constant staff training must become a priority for courts’ managers, and a real indicator of their performance.

The specific requirements of the judicial managers’ activity outline a very complex profile which should not be rigidly viewed. The persons entrusted with the management of the courts should consider this profile as a flexible tool that must be adapted according to the specific situations which they encounter. What is essential is that judicial managers, and in particular the president of the court as top manager, must assume the
role of the leader motivating and guiding the staff and identifying effective ways of improving and developing them in this position.

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