

**CONSIDERATIONS ABOUT TIME MANAGEMENT IN JUDICIAL ORGANISATIONS.  
ROLE OF THE PRESIDENT OF COURT IN ENSURING THE BALANCE BETWEEN  
RESOURCES, TIME , OPTIMAL WORKLOAD**

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**Abstract:**

*Efficiency of justice is closely linked to the time factor as a key resource to be severely, judiciously used, saved. Because of the importance of this issue - of the preserved values - providing justice, the righteousness and not least the citizen himself, protecting its rights and interests, values that exceed privat sector priorities-the profit, time problem in judiciary management is more valuable. Time is a component of efficiency, performance, timeliness of trials being enshrined as a guiding principle and one of the most important procedural safeguards of the litigant.*

*The study emphasizes an important aspect in terms of time management, the perspective of judiciary leader, who has to abide the law and its limitations and always having to balance between requirements, resources and optimum workload. In this context he should identify methods and work techniques that resonates with the legal provisions to manage time more efficiently.*

**Key words :** *time management, efficiency of justice, role of president of court, optimum workload,*

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## **1. Introduction**

Judicial management requires effective and efficient management of specific activities through appropriate management of the resources that judicial organizations have. Judicial managers should pay increased attention to time, as a rare economic resource, precious, pretentious and irreversible, having increased responsibility on their shoulders due to the goal the judicial organizations, providing justice. Also the entire judicial activity is governed by the rapidity and legal reasonableness, which requires subordination of all managerial activities to these two fundamental principles.

So judicial time management is very complex, the success of efficient management of this resource standing under the sign of many factors, of more coordinates.

A first aspect to be considered is the perspective of legislator who provides the principle of reasonableness and judicial speed and regulates numerous provisions designed to hurry judicial activity, rules from which judicial manager may not depart. At the same time the European vision of the ECHR and sanctioning Romania's repeated failure to comply with reasonable deadlines models both the judge's of case conduct and mostly the role of judicial manager who must ensure a balance between resources and the respect of the optimal workload. Overloading courts is one of the responsible factors that makes the effective management of time impossible.

From another perspective, time management is influenced by factors related exclusively by manager's personality, of his way of being and behaving or the particular situation he is faced with (fatigue, depression, fear, personal problems). It should be emphasized that the manager's personality leaves its mark on the organization he leads and thus to his subordinate staff, who must see in their leader an example, a role model. In this context time management should start with personal management in its own.

Last but not least, time management success is closely linked to staff, judges and court personnel, the way they are prepared, the way in which they assume responsibilities and can be delegated, their resistance to change, especially how they perceive temporal orientation of the organization.

## 2. Introductory remarks on the principle of celerity and reasonableness of court proceedings

A democratic society must be based on free access to justice, the right to a fair and just trial being one of the most important guarantees. In the literature, the practice courts and more recently in the practice of the European Court of Human Rights has consecrated the term of reasonableness as a determinant of a fair and just trial, as an attribute without which other rights and freedoms lose significant value.

In this context, the European Convention on Human Rights consecrates among the procedural guarantees of a general nature included in Article 6 paragr. 1 of the Convention also the term of "reasonable time" in which a person is entitled to be judged; It is formulated the principle of celerity proceedings. [2]

The right to a reasonable duration of the procedure is not only consecrated in the Convention. It is subject to an express recommendation in international instruments such as the International Covenant on Civil and Political Rights and also at the level of fundamental rights protection tools, the Romanian Constitution providing in art. 21 the right to a celerity conducted trial .

These regulations are completed with numerous provisions of the Civil and Criminal Procedure Code aimed to speed deployment and to penalize delay caused by bad faith from the parties of the files. Code of Criminal Procedure states this aspect even in art. 1 stating the following: the purpose of the criminal trial is "observation **in time** and completely of the facts constituting crimes...." [3]

The reason for the existence of the right to a reasonable duration of the proceedings is clear. It is expressed, lapidary, both in a frequently quoted British adage - justice delayed, justice denied - and a French adage with a similar content – justice retive, justice fautive.

The Court took up that idea in a legal formulated, stating that, by imposing the need for a reasonable length of proceedings, the Convention highlights the importance of the idea that justice should be done, without experiencing the delays which would compromise the credibility and efficiency, the State being responsible for the whole of its services, not only for that of the judicial bodies.

## 3. Reasonable time in ECHR vision

Exceeding the reasonable time of proceedings is one of the most common of the application put forward by the applicants to the European Court, it is one that has achieved both real and concrete importance of this guarantee and who offered the first criteria of reasonableness of the period in which a dispute is judged, pushing states through its jurisprudence, especially after Kudla judgment, to take steps to satisfy this interest.

Celerity raise difficulties of assessment not only in terms of reasonableness, but also on determining reasonableness duration of which is analyzed.

To assess reasonable length of proceedings, the whole pocedure is taken into account, however, possible that the proceedings before a court be sufficient for a finding of a lack of celerity (ECHR hot. Scopelli). The solution is logical, as Chirită R. highlights and would be unnatural for the applicant to be imposed requirement of exhaustion of domestic remedies and be forced to await the outcome of proceedings which have lasted so long. [5]

The reasonableness of the period so calculated shall be analyzed in concreto, according to the particular circumstances of each case. It should be noted however that when the term appears, prima facie, exorbitant, the burden of proof is reversed, the state concerned shall be called to explain the reasons that led to the delay.

Court has determined the following criteria in assessing the reasonableness of that period: the nature and complexity of the case, conduct of the applicant, of the authorities and the context and implications of the case for the appellatant's situation.

We must emphasize that these criteria are not considered in isolation by the Court, the European Court decisions being handed down as a result of nuanced examination of all criteria and specific circumstances of each case. Reasonable time is impossible to be expressed in value, we can't determine a figure from which it can be declared that the process has exceeded the reasonable time. For example, in one case, the Court ruled that a process that lasted three years and a half does not meet the requirement for speed (ECHR hot. Zimmermann and Steiner v. Switzerland, cit.supra), while in another case it was considered that the requirements of art. 6 had been complied, concerning a proceeding that lasted a similar period (ECHR hot. Pretto and Others v. Italy, 8 December 1983)

Most often crowding the courts is the main defense raised by the respondent States (ECHR hot. Zimmermann and Steiner v. Switzerland, hot. Vocaturio v. Italy). The Court finds, however, that overcrowding is not an excuse, because the state is obliged to arrange in such a way the judicial service that owes to its citizens, to avoid clutter its courts. As Tulkens F. states, overcrowding can illustrate an improper performance of obligation resulting from the state. (Tulkens, F., 2006)

Given such circumstances, the Court adopted solutions nuanced, balanced, deciding, for example, that temporary overloading role does not bind international tribunal to rule out such a situation, whether it shall take prompt steps to remedy these conditions, appearing justified in such cases, the introduction of "certain interim orders in

processing cases," based on their urgency and importance. The Court did, however, mention that when crowding role of the courts "became current", it is no longer justified the excessive length of judicial proceedings (ECHR decision Union Alimentaria Sanders SA v. Spain, 7 July 1989)

It should be emphasized, however, one aspect, the acceleration of trials should not be considered absolute, the process requires a period of time in which to accomplish its proper handling and shorten such a period is harmful to safeguarding individuals' rights. In this situation celerity is no longer a component of quality, a rapid justice becoming an expeditious justice is a bad justice that can not guarantee the rights and freedoms of citizens. Therefore, the judge is bound to find the right balance between the need of a trial conducted expeditiously and the need for a fair and full legal trial of factual issues deduced from the trial.

Therefore, time, as an economic resource and efficiency component of the judicial organization must be viewed multidimensional, in the context of legal enshrinement of the principle of celerity and reasonableness, of European court practice that establishes reasonable time for processes and regulations determining the duties of President of the court for a good management of the court. Yet despite the limitations the judicial management is considered by specialists a refined management, a more complex management, the judicial manager being called to respond to the challenge of identifying those ways, techniques, methods likely to ensure the achievement of organizational goals strictly established and sometimes limited by law.

We must emphasize that despite requirements to achieve fundamental objectives established by law, judicial managers have the freedom to choose any kind of techniques, methods, tools likely to lead to their achievement. Under this aspect judicial management is autonomous, as justice is essentially a decentralized activity. In this context court managers must continuously improve, to be focused on targets, motivated and organized to achieve temporal orientation to be closer to the demands of justice and the citizens they serve.

However, faced with the relevant legal regulations in a domain that limits its possibilities to hire, dismiss, penalize or reward, the manager should form the attitude of employees to design an organization that works without delays and errors sensitizing all staff categories about issues related to time.

#### **4.The role of President in ensuring a balance between requirements, resources and an optimal work load**

It should be noted that labor of court president as the most important judicial manager is limited on the one hand by the rigor of the law which strictly regulates certain aspects and secondly a good exercise of specific activities is practically limited by material resources, and especially human, which he has available reported at the number of recorded annually processes in court. Knowing this perspective plays an important role in understanding the specific legal administration of time in court.

The judicial manager has a responsibility to streamline the entire judicial administrative activity while exploiting the time resource, trying to achieve a balance between requirements and all resources available. In this regard, he must follow, according to Ion Avram-Dunăreanu three coordinates:

- The educational component of staff directly serving litigants.
- The technique and material component.
- The component of human resources.

A first important step of the President is to try to fill an entire establishment plan by transfers, seconded employees, or delegated from other courts with less activity. There are times when such action is not sufficient, in which the president must consider whether the establishment plan still meets the needs of its proceedings or resizing is required by supplementing the position of judge and / or specialist support staff.

Such an analysis requires several steps:

- Comparing the workload of the court at the present time with the workload of configuration of the establishment plan, taking into account other objective factors (increasing complexity of cases, the multitude of legislative changes, the need for knowledge and application by judges rules of Community law, etc.);
- Comparing the workload of the court in recent years (usually the last 3 years) on which the presiding judge may make predictions about the evolution of the number of cases that will be filed with the court and, based on these projections, may result optimal number of judges and support personnel necessary for the activity.[10]

If the analysis indicates a temporary increase in workload, the court must adopt appropriate solutions to solve the problem quickly in the short term, such as lengthening the first hearing, the judges being able to spend more time studying and solving old cases or delegation of judges from other courts to judge load levels below the national average.

Insofar as the results of the analysis lead to the conclusion of a major increase that will extend over time, will apply the aforementioned short-term solutions to maintain optimal workload and ensure a reasonable time of proceedings pending the implementation of long-term measures. They consist workload forecasting, the necessary human and material resources and advance these forecasts through the Superior Council of Magistracy to the Ministry of Justice which as part of the executive branch, has the obligation to provide the resources necessary for the

functioning of the courts and take timely measures to avoid overcrowding of courts and dealing with cases within what can be considered as unreasonable, as the European Court of Human Rights ruled in cases *Unión Alimentaria Sanders SA Guincho against Spain* and *against Portugal*.

This obligation of states to provide the means for a proper exercise of the functions of judges and especially regarding the examination of the case within a reasonable time is included in the European Charter on the Statute for Judges (Principle 1, paragraph 1.6.). If the state through the executive power does not apply necessary measures promptly able to remedy the situation, the court president can not replace the lack of involvement of the state by overloading judges and specialized support personnel. His only option is to lengthen the duration of the first term granted during the first registered cases to court, differentiated according to their urgency and purpose.

## 5.Particular aspects on Time Management

Although the value of time is growing, specialists are just beginning to understand the complex psychological process by which individuals understand and value the time. This topic is extremely interesting and exciting because time is an atypical resource different from other resources.

Judicial managers concerned by performance, should realize that time management is a priority for the organization they lead.

As Peter Drucker said " Effective policymakers factors do not derive from their duties, they derive from the time they have available. They consider and order their "available" time in the biggest period of continuity, as a three-step process: recording time, time for organization and time for consolidation – fundament of decision-maker efficiency. First step toward leadership efficiency is the efficiency of a real use of time and the systematically organization of time is the next stage [7].

Generalizing, experts believe that managing means to make in such a way in which every day brings us closer to what we want to achieve (goals set) and the person we want to embody. (Miricescu, D., 2008)

Time management must be seen by the judicial manager as well as directing coherent actions that allow to get closer towards the target chosen by acting on two fronts:

-classifying objectives to know better what he wants to achieve in future, clarifying priorities, stay focused on the target,

-identify main factors of dispersion or loss of time in order to eliminate them.

Time optimization is therefore a continuous action centered on two main coordinates: focusing on priorities and attention to deviations. [8]

Time management experts draw attention to the art of delegation, a process that allows a triple benefit: frees more time for the manager, develops trust for he who receives the delegation and increases personal profit.

Also in the field of judicial organizations we may note the same need and of flexible and decentralized structures that can meet the demands of society while the volume of cases does not increase to the same extent with qualified staff and the timeliness conditions are increasingly fierce.

But the delegation can assume managerial-administrative division of tasks, from routine activities, especially those time-consuming activities to significant projects by all categories of personnel, from judges to auxiliary personnel reported to the importance of tasks and specialization of subordinates. The essential idea is that the process of devolution should release the managers of some of their problems allowing them to focus on priorities.

The court president may delegate by order of service a part of his duties to subordinate judges, duties that exceed their basic duties. However beneficial delegation is it obvious sometimes that the judiciaryfield is not an agreement seen as a win / win event generating even discontent because of time consumption and effort with the non-judicial activities.

Overloading judges with causes is a reality unmanageable and threatens the legal act. If in addition to specific tasks, the judge is loaded with administrative ones, the result will certainly be doubtful.

The solution is in the hand of the court president, who must adopt an appropriate personnel policy, which in addition to efforts to complete the establishment plan must change practice in the judicial system and transfer some administrative functions to the support staff according to its expertise.

Based on the recommendation of the Committee of Ministers of the Council of Europe and the situation in other European legal systems, the solution involving Registrar – as the nearest auxiliary to the court - in meeting non-legal activities (generically qualified in the concept of file management), responds, on the one hand the need for differentiation from actual judicial activities - exercised by the judge - and on the other, the imperative of modern society, to reduce costs of administration of justice.

Finally, the separation of powers, is projected to increase efficiency, both by increasing the number of cases solved by each judge and by reducing the duration of judgment - giving judgement it effectiveness and efficiency. [11]

In conclusion, one of the most important tasks of the court president as a judicial manager is to know the level of training and skills of support staff, and then to plan and assign judiciously administrative tasks.

For a time-oriented leadership, managers must solve another important problem that primarily consume resources and time, the problem of interruptions of work. Concentration on these deviations requires in the field of judicial management the adoption of such methods to reduce disruptions and take control of the time, namely:

-Judicial manager must remain firmly focused on the work and avoiding to postpone work to answer the phone when it's not very urgent or do something of little importance he has forgotten about.

-The manager when delegating tasks to subordinates should train them well on what to do, time invested in their training will bring many benefits including the decrease of subsequent interruptions.

-It is imperative for the manager to establish moments when he is available and not hesitate to avoid interruptions when it is a bad time for discussion.

## Conclusions:

Time management is essential in the field of judicial organizations, governed by the principle of celerity and reasonableness, facing permanently overload causes and repeated sanction from ECHR for failing to comply with reasonable terms the hearing of cases. Very important in this situation is the person of the judicial manager, his personality, who, taking into account the rigors of the law must choose the most appropriate methods and time management techniques considering the specificity of the organization, but also with concrete challenges and personal perspective on temporal orientation. As mentioned above, time management is a personal approach of each manager who is expected to self-discipline, providing an example for his staff. However, as Mullins sustains [9] despite increased interest in time management, this can not be seen in isolation from other activities related to management, like leadership and delegation.

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