Chapter 2

Institutional Matters

As a starting point, it is clear that a body administering a court or tribunal should have a mission statement and/or strategic plan.

It is also clear that a body administering a court or tribunal should be established according to rules set out in a statute or treaty. The statute or treaty should provide for: the jurisdiction and status of the institution; the hierarchy and employment status of its administrative officers and employees; as well as fundamental matters of governance, including the organisation of the body's financing.

The content of these rules will differ according to the legislative will or avowed purpose of the state promoting a given institution. Nonetheless, a firm general statement of the aspirations that should be pursued could include:

> Overarching consideration being given to the creation of an institution in which, save only where practical necessity requires otherwise, there is freedom from interference by the executive branch of government, and
>
> Overall accountability for the effective administration resting with the chief/senior judge of the institution, who should have the power to make general rules for the proper administration of the institution.

One expression of an overall objective, which could act as a guide for most institutions, can be taken from the United Kingdom where, under section 45(3) of the Constitutional Reform Act 2005, the President of the Supreme Court must exercise his or her power to make rules 'with a view to securing that the court is accessible, fair and efficient, and that the rules are both simple and simply expressed'.

Specifically, it may also be recommended that the organisational structure of a court or tribunal administration be as 'flat' as possible and not overly 'layered' with middle/top management. A structure where decision-makers at their respective levels are trusted and empowered to make decisions on a daily basis can prove to be a powerful antidote to 'time-killing' and costly bureaucracy.

2.1 Mission statement and/or strategic plan

It is extremely important that a court or tribunal adopt a mission statement and/or strategic plan for its administration (or preferably for the institution as a whole), against which the annual objectives of the institution can be set and subsequently assessed. A draft plan could be drawn up in consultation with the judiciary to ensure it captures the needs and expectations of all parties in the institution.

Such a plan, which can be reworked annually or on a multi-year basis, provides a clear indication to all those working in the institution as to what their prime goals are or should be. It can also be invaluable when bidding for funds, as it is most likely that

those responsible for allocating funds (and who work outside the institution) will want/need to have an understanding of the institution's strategic goals and priorities.

As an example, the Strategic Direction of the Supreme Court of Canada and of the Office of the Registrar of the Supreme Court of Canada is set out in a comprehensive document which contains (a) a mandate, (b) a mission statement, (c) a vision and (d) strategic objectives. For the complete text, see: http://www.scc-csc.gc.ca/court-cour/mission/index-eng.asp [last accessed February 2012].

2.2 Jurisdiction and status of an institution

The jurisdiction of the court or tribunal should be clearly defined, including the procedure and process by which its jurisdiction can be invoked. Some limitations, such as the necessity for leave being granted for a matter to be heard by the court or tribunal, are standard but, as it will be necessary to emphasise later, the problems which arise from overlapping jurisdictions call for special attention.

Especially with regard to regional or international courts or tribunals, it is suggested that consideration be given to the incorporation of provisions, either in the Headquarters' Agreement or in the founding instruments, which restrict the assumption of jurisdiction by one court or tribunal where proceedings are pending or have been completed in another jurisdiction in connection with the same subject matter. Careful drafting will be required but, broadly, the principles already established in abuse of process cases could be adopted.

2.3 Officers and employees of an institution

2.3.1 Hierarchy and status of officers and employees: judges and public servants

The principle that judges should be free from interference from the executive branch of government is well established, but the extent to which this principle has been recognised in the setting up of administrations surrounding a court or tribunal has varied.

Although judges are not public servants, court staff within the administrative office that supports a court or tribunal most often are. In some jurisdictions, registrars and deputy registrars of courts and tribunals perform quasi-judicial functions (in addition to their administrative management duties) but are, nevertheless, public servants.

In the United Kingdom, the administration of its Supreme Court is classed as a non-ministerial department in its own right for government accounting purposes. It can draw up its own estimate and receive its funding directly from the treasury, as voted by parliament. Consideration of this complex issue is reflected in section 48 of the Constitutional Reform Act 2005, which created the Office of the Chief Executive of the Supreme Court of the United Kingdom. The chief executive 'must act in accordance with any directions given by the President of the Court' but, that said, the chief executive, officers and staff of the court are all public servants. Their standards of conduct and behaviour are governed by those applicable to public servants. The

chief executive, while required to act in accordance with directions from the President of the Court, may not act inconsistently with the standards of behaviour required of a public servant.

The chief executive is appointed by the Lord Chancellor after consulting the President of the Court. The President may appoint officers and staff of the court, but has the power to delegate this function and all other non-judicial functions to the chief executive. In the United Kingdom, the President has so delegated these functions.

The above approach can be compared to that of the Canadian experience where the Office of the Registrar of the Supreme Court of Canada, being the federal government institution established to support the court in conducting its work, is staffed by public servants. The institution's mandate is to provide the services and support required by the judges to process, hear and decide cases, as well as to ensure that the administration of Canada's final court of appeal is and continues to be effective and independent.

The registrar, as the head of the institution, is directly responsible for ensuring that the institution is compliant with all federal government-wide policies and programmes that relate to accountability, reporting, and financial, personnel and administrative management that apply to federal government institutions. In addition to that responsibility, the Supreme Court Act requires that the registrar carry out his or her duties subject to the direction of the chief justice, and also exercise certain quasi-judicial powers. The registrar is therefore regarded as the equivalent of the chief executive officer (CEO) of an organisation, personally interacting with members of the court, as well as various judicial and governmental officials, both in Canada and abroad. Balancing these responsibilities can be a challenge. For example, even if an initiative is undertaken by the institution on behalf of the judges, who themselves are not subject to government policies, these government policies must be applied by the institution when undertaking such initiatives. Therefore, care has be taken to ensure that any government-wide administrative requirements which are imposed on the institution are adhered to in such a way that they do not conflict with the institution's ability to carry out its mandate, and to ensure that the judges are able to carry out their role without any interference from the executive branch of government. In that regard, the institution of the Office of the Registrar does require a certain measure of administrative and institutional independence from the government. As a result, it applies government-wide policies in such a manner that meets their spirit and intent, but which respects the need of the judiciary to operate independently of the executive branch of government.

2.3.2 Court governance, including the roles of judges and registrars

It is crucial to have effective working relationships at all levels within the institution, particularly between the chief/senior judge and the registrar. Given their overarching judicial responsibilities and the inevitable focus which these responsibilities demand, few chief/senior judges are interested in – or able to be too much involved in – the actual minutiae of court or tribunal administration. Hence the importance of the registrar establishing an effective channel of communication with the chief/senior

judge and his/her colleagues when it comes to consulting on/reporting on key administrative issues which may overlap or impact on the judiciary. It is crucial that the judiciary should feel in overall control of the institution, but that they should trust and support their registrar/senior administrator to handle administrative and related matters effectively.

There are clearly defined 'demarcation' lines between the judicial role and the administrative role, but it is the 'grey area' which exists between those roles that has to be managed by both sides. This requires tact and a clear understanding by both parties of their respective roles, keeping in mind that the essential pivotal interface between the administration and the judges will be provided by the registrar.

It is also highly recommended to establish a senior management board and for the major players in the institution to meet, for example, every quarter to review the court or tribunal's performance and various administrative/operational issues.

A good example of a governance mechanism involving both judges and the registrar is provided by the High Court of Australia,[2] where all of the justices and the chief executive/principal registrar ('registrar') meet formally each sitting month on the first Tuesday of the sittings. These are called Court Business Meetings.

The registrar generally sets the agenda, having regard to the wishes of the court (which may be carry-overs of previous meetings or strategies requiring discussion or a decision). The chief justice chairs these 'closed-door' meetings, which cover administrative and quasi-judicial issues (e.g. rules, special leave processes, judgment production or registry procedures) and which are recorded by the registrar. Following agreement on the minutes of each meeting, which the registrar sends in draft the following day or so after each meeting, the registrar sends extracts of the minutes to relevant managers to implement any decisions or inform them of relevant decisions which might need to be communicated to various staff.

The Court Business Meetings are also supported by a committee structure, with committees covering rules, finance (including property), library, IT, the Annual Report and public information. The committees each comprise one or more of the justices and the registrar, with other specialist staff attending as required. They are chaired by a justice and deal with particular strategies and make decisions as required – normally 'in-principle' decisions only, since formal spending or hiring decisions are usually made by the registrar or a manager, as authorised by the registrar. These committees meet as required (e.g. the Finance Committee will meet more frequently when the budget is being developed and then periodically to monitor the budget, while the Annual Report Committee might meet only once or twice per year) and the meetings are minuted (minutes are kept by the responsible manager – e.g. the IT manager in the case of the IT Committee). The committee minutes are incorporated in the papers for the next Court Business Meeting, so that the court can formally note or discuss appropriate issues, as necessary.

The registrar also meets informally with the chief justice at the start of each week, although in the Australian scenario the chief justice has no greater responsibilities in court administration than any other justice. The registrar also has numerous

discussions with the other justices, but any formal business is dealt with in meetings as described above.

As can be expected, the justices conference privately before and after sittings on cases and judgments. These are separate meetings and the Court Business Meetings never include case discussions or decision-making.

The Supreme Court of Canada has a similar governance system, where judicial and administrative roles are balanced by: (a) the registrar (and deputy registrar) having a weekly meeting with the chief justice; (b) the Executive Committee (the registrar, deputy registrar and three senior court officials) meeting with a committee of three judges on a monthly basis regarding corporate services and technology matters; and (c) the registrar or deputy registrar and chief librarian meeting with another committee of three judges with regard to library and information management services. Unlike the Australian situation, the judges of the Supreme Court of Canada have a monthly meeting (when the court is sitting) touching on all topics – whether administrative or judicial – in the absence of any court official, including the registrar. Minutes of these meetings are then provided to the registrar and senior court managers.

In summary, these examples confirm that there is a delicate balance between the respective roles of judges and registrars regarding to court governance. A driving principle that should, however, apply in all cases is that judges should not have administrative or signing authority under the applicable legislation governing finances and other administrative matters.

According to the size of the court or tribunal and the workload of the judges, there is also obvious scope for assistance to be provided to the judges from legally qualified staff, notwithstanding that there is a distinct boundary between the function of the judges and the functions of the court or tribunal staff.

2.3.3 Method of appointment of a registrar

Some hold the view that the appointment of a registrar should not be the prerogative of the institution's judiciary (chief/senior judge) because that arrangement has sometimes caused significant difficulties on the international criminal justice scene. The registrar may be placed in a difficult position if he or she is faced with having to deal with inappropriate conduct by a judge, with regard to, for example, financial or personal issues that need to be scrutinised or challenged.

In Canada, for example, the Supreme Court Act provides that 'subject to the direction of the Chief Justice', the registrar is responsible for supervising the employees of the court; that 'under the supervision of the Chief Justice', the registrar is to manage and control the library; and 'as the Chief Justice directs', is to report and publish the judgments of the court. However, the registrar is not appointed by the chief justice. The Supreme Court Act provides that the registrar (and the deputy registrar) are appointed by the Governor in Council (i.e. the prime minister and cabinet) and hold office during pleasure (i.e. they may be removed at the discretion of the Governor in Council). So, while the registrar is subject to the direction of the

chief justice for the overall operations and management of the court, the registrar is not appointed to the position by the chief justice.

2.3.4 Should there be a separate registrar and chief executive?[3]

It is important to consider the choice between having an integrated office, comprising a registrar who is also the chief executive acting under the direction of the chief/senior judge in all matters, or two separate offices, where the functions of the registrar and those of corporate services are under the direction of a chief executive officer.

On the whole, the integrated office will be more manageable, less apt to give rise to differences and best able to take account of the inevitable interplay and exchanges of views which require input from both the registrar and the chief executive.

Whether there should be a separate registrar and chief executive or an integrated office may also depend on the size and nature of the institution concerned. For example, the England and Wales Court Service has a number of senior administrators in the regions overseen by a chief executive, but this is a national institution with more than 10,000 staff. In smaller individual institutions, it may be recommended to avoid such an arrangement as that can prove to be divisive, operationally ineffective and expensive.

Best practice points to the need for accounting matters to be in the hands of a specified officer (i.e. an accounting officer) who could either be the registrar or another officer. The registrar must have overall responsibility and be accountable for the institution's finances/budget (indeed this provides another reason to protect the chief/senior judge from possible criticism by auditors should things go wrong). However, he/she can also be supported by an experienced chief finance/budget officer and colleagues.

It may be noted here that, given the range of responsibilities that are traditionally assigned to the registrar, it is almost impossible that he/she will have experience of and/or expertise in all these areas. What is needed is someone who understands the range of responsibilities and who is a good manager of those individuals who are the experts. In other words, a successful registrar frequently needs to be a 'Jack of all trades'.

2.3.5 Should the registrar be a lawyer?

It was widely accepted among the Ottawa meeting participants that the registrar should be a lawyer. However, where an administration is split between a registrar and chief executive, then the chief executive need not necessarily be a lawyer. Registry functions, such as the keeping and setting of a cause list, the receipt of documents and the categorisation and filing of applications, can only be properly performed if the officers or employees involved in these functions have some legal training. A high level of management, oversight and monitoring is axiomatic in the registry.

Despite the wide acceptance of the registrar being a lawyer, there are some who challenge this practice. Such a practice has long been discarded by, for example, the England and Wales Court Service, save for those parts of the recently combined

service that have responsibility for advising lay magistrates. While the inclination may be to involve lawyers in senior court administration posts, the registrar's position is that of a court administrator/chief executive, and running a court or tribunal consists in large part of management and administrative functions.

Most certainly there is no 'magic' involved in 'the keeping and setting of a cause list etc.'. While there is a need for those involved to be both trained and suited to the pressures/responsibilities of case management, it does not necessarily follow that lawyers are required. Indeed, many lawyers in such positions may find themselves unmotivated and disenchanted with the nature of their work, feeling perhaps rightly that their qualifications and training suit them better for other tasks.

This is not to say that the registrar should never be a lawyer, but – in light of the views of a number of experienced players on the national/international scene (many of whom are lawyers) – the majority of lawyers tend to not be trained for, interested in or particularly good at handling the multiplicity of often mundane tasks which are often the lot of a court administrator. Their talents lie in different areas. Having said this, a lawyer who is both skilled in and interested in administrative matters is a person to be cherished!

2.3.6 Recruitment of staff: should judges play a role?

The preferred approach and structure in regard to matters of recruitment is likely to depend upon the size of the organisation. It is likely that in smaller courts and tribunals, there will be scope for greater control over the recruiting and control of staff by the chief/senior judge, with a choice of delegation to a registrar or chief executive. The handling of relatively minor management issues can be complicated by a lack of overall control of staff. Governance will normally lie with a single officer, i.e. a registrar, and a committee structure is unlikely to be appropriate in smaller institutions.

In larger institutions, an effective method of overall governance is more likely to involve a committee structure and, with regard to recruitment and appointment of staff, to be carried out under delegated powers. There was little doubt at the Ottawa meeting of the view that the chief/senior judge should, if he or she chooses, have the ability to be involved in the recruitment and appointment of staff down to, say, the middle layers of authority. By such means, the aims and ethos of the chief/senior judge can be effectively reflected. As has been emphasised above, the relationship between the chief/senior judge and registrar is critical in achieving the highest level of administrative performance.

However, another school of thought recommends a high degree of caution in regard to involving judges in the recruitment process, other than in certain specific instances. One main reason for such an approach is that an institution must have very clearly defined public sector staffing rules and procedures, which meet all the tests of fairness, equality and competence. Such procedures can be the subject of auditing and nothing can damage an institution's credibility more than a recruitment process that is perceived to be flawed. Registrars have occasionally experienced significant difficulties

when some judges have wanted (for whatever reason) to recruit someone who did not meet the necessary requirements.

Another reason for not involving judges in the recruitment process is that this is not the most effective use of an expensive resource (i.e. a judge's time).

That said, it may still be advocated that in respect of certain positions which might directly support the judiciary (e.g. chambers' staff), that the chief/senior judge or one of his/her colleagues be involved and that their views on the person to be recruited take precedence (provided that the candidate meets the requirements of public sector or equivalent tests). Apart from anything else, such an approach can be useful if, in the event the person selected proves to be unsuitable, there can be a reduction or avoidance of recriminations.

A further point on the recruitment of staff in general: in selective appropriate cases, recruitment and retention of staff might be facilitated if some positions are released from a public sector position classification system or the requirements of direct application of government policy in regards to recruitment and retention. The advantages of any possible flexibility in this area should always be considered.

2.3.7 Training for officers and staff

It is strongly recommended that the best practice principle of continuous training be applied in a court or tribunal for staff at every level. Such a practice facilitates the highest possible degree of mobility and promotional opportunities within the institution, as well as ensuring that best practices are followed, where applicable. If training opportunities are not available, retention and recruitment might prove difficult because employees and potential employees might perceive a limit to their career advancement within the institution. Given that at least a minimal level of legal knowledge is appropriate for employees in a registry office, there should also be opportunities for some legal training. For example, Malta has proposed a diploma in legal procedure. The availability of paralegal training as an option should also be considered.

Box 2.1 Training in Malta

The Training Academy within [Malta's] Ministry for Justice and Home Affairs was initially set up as a Training Academy for Legal and ParaLegal Staff of the Law Courts. It was launched on 30 April 2002. The aims of the Academy are to provide refresher, orientation and induction courses to court staff and to assist the ministry in so far as concerns other training. Courses deal with the managerial, legal and practical aspects of the duties carried out by the court staff and cover nearly all the employees of the Courts of Justice Division. It has recently installed state-of-the-art digital equipment that permits connections via video conferencing.

(Testone, 2010)

Unfortunately, the cost of some training activities can be high and is often an area which can be overlooked or cut in times of economic hardship and budget cuts.

Other opportunities for education and continuous training can arise when information technology (IT) is implemented in an institution. IT also facilitates the process of instructing, as well as monitoring, of staff.

2.4 Other governance issues

2.4.1 Funding

It is obvious that funding must come from government. During the Ottawa meeting significant attention was therefore given to the manner and procedure for the provision of financial resources. The participants at the meeting felt a distinction should be drawn between (a) funding for the court, and (b) funding for a corporate service. The difficulty is that the underlying purpose for the expenditure on corporate services is to achieve the common objective of delivering 'fair and efficient' or 'effective and independent' justice. As a result, the drawing of a clear line between the two areas of activity may prove difficult in regard to the provision of financial resources.

In the United Kingdom, under the Constitutional Reform Act, the Lord Chancellor must ensure that the Supreme Court is provided with such accommodation and other resources as he/she thinks are appropriate for the court to carry out its business. The chief executive is placed under a parallel duty to ensure that the court's resources are used to provide an efficient and effective system to support the court in carrying on its business. Since the chief executive is required to act in accordance with directions from the President, so long as they are not inconsistent with what is required of him/her as a public servant, conflict will only arise when the precise ambit of his obligations as a public servant requires him/her to depart from the President's directions. It can be seen that the potentiality of such a conflict is similar to the situation that has been identified in Canada, where Treasury Board requirements may conflict with the court's needs and requirements. Further, since the Lord Chancellor's obligation is to provide financial resources as 'he/she thinks appropriate', the President's directions in this area have to be read as subject to a proper exercise of discretion by the Lord Chancellor.

If one draws on the procedure adopted in Canada (and the United Kingdom), judges' salaries, allowances and pensions are provided for by statute and fall outside budgetary control, although all funding must receive the approval of parliament. In Canada, court funding (other than salaries and benefits of judges) is obtained through an Appropriation Bill and submissions to the Treasury Board via the Expenditure Management System.

It was also recognised that the doctrines of judicial and institutional independence are not rigid but, nevertheless, the aim of achieving a transparent independence from governmental influence has become all the more pressing and desirable as an informed public has become more demanding. In the application of the doctrine, the perception of the public can achieve the potency of reality and thus it was recognised by all Ottawa meeting participants that there was a continuing challenge in this area which

had to be met. For example, concern was expressed by the lack of independence which could be perceived from email addresses which employed 'gov' as part of the address of a court or tribunal.

Despite the general consensus among participants at the Ottawa meeting, others may question why there needs to be a distinction drawn between funding for (a) the court (the judges), and (b) corporate services. Of course, there is a need for separation of powers and for judges' responsibilities and remuneration to be free from 'political' interference. However, funding for the judiciary – from whichever source it springs and through whichever mechanism it is handled – is relatively straightforward in terms of its essential elements, i.e. salaries/pensions/increases, travel and subsistence etc. It may be said, therefore, that the registrar has overall responsibility for the entire budget, including the ring-fenced judicial element, but with an effective line of communication to the judges in case there are, during the course of a budget cycle, issues on their side which need to be considered (e.g. travel costs).

2.4.2 Media relations, human resources, finance and protocol

During the Ottawa meeting, it seemed an open question as to whether the registrar should have a controlling hand in the areas of media relations, human resources, finance and protocol.

In Canada, for example, the Office of the Registrar of the Supreme Court of Canada has established a management structure which effectively administers the activities of both the Office and the court, including media relations, human resources, finance and protocol. In that context, the Corporate Services Sector is responsible for: strategic, business and resource planning and reporting; financial administration; procurement; accommodation; telephones, mail and printing services; human resources; security; health and safety; emergency management and preparedness; development, delivery and management of IT strategies, plans, policies, standards and procedures; as well as business continuity planning.

For its part, the Judicial Support and Protocol Sector is responsible for the delivery of all administrative support services to the Judges' Chambers, including protocol and judges' dining room services, the development and delivery of integrated judicial support programmes and services, as well as the judges' law clerk programme.

The Court Operations Sector, which is composed of the Law Branch, Reports Branch, Registry Branch, and Library and Information Management Branch, is responsible for the planning, direction and provision of legal advice and operational support to the Supreme Court judges respecting all aspects of the case management process, from the initial filing to the final judgment on an appeal. This includes processing and recording cases, scheduling of cases, legal and jurilinguistic services, legal research and library services, legal editing services and publication of the Supreme Court reports. Information management services, including case-related and corporate records information, are also provided by that sector.

Finally, the Communication Services Branch develops and implements communications strategies, plans and programmes to increase public awareness and understanding of the Supreme Court of Canada, as well as to enhance internal communications within

the court. For example, it provides guided tours of the court to visitors and manages an outreach programme aimed at schoolteachers and their students. However, it should be noted that the Communications Services Branch is *not* responsible for media relations concerning the judges' activities or cases before the court. An executive legal officer, being a lawyer or academic having significant experience in the legal community and whose responsibilities include case-related media relations, is directly attached to the Office of the Chief Justice for that purpose.

All of the above sectors, branches and staff ultimately report to the registrar, albeit by way of a senior management governance structure.

2.4.3 Security

Security is one of the most important issues in any institution dealing with legal and criminal matters of any nature, especially where an institution such as a court or tribunal houses a number of judges. In circumstances where detainees are also held on site, security matters take on even greater importance. Security is often also one of the most expensive areas of any court or tribunal's budget.

When planning location and accommodation needs for a court or tribunal, security considerations have to be taken into account and weighed against the all-important principle of ensuring access to justice for litigants and the public. In this regard, it is also the court or tribunal's responsibility to balance the level of risk versus the level of security to be applied, insofar as the safety of judges, staff, the public and VIPs needs to be maintained at all times. Consequently, an Emergency Procedures and Business Continuity Planning Programme is crucial and needs to be developed and implemented.

In addition, security measures must be tailored in such a way so as not to interfere with the court or tribunal's regular business and operational activities.

In the particular case of international criminal tribunals and other similar bodies which are called upon to hear witnesses, the security factors are obviously highly complex. The special requirements for protective measures for witnesses, defendants

Box 2.2 Security at the Supreme Court of the United Kingdom (UKSC)

Part of the purpose of the creation of the UKSC was to make the court more accessible to the ordinary person; and the new building does just that, since anyone can walk into the building off the street (Parliament Square [opposite the UK Houses of Parliament]) when it is open. All visitors are therefore then required to go through airport-style security before they can access any other part of the building. Access to the private side of the building requires the use of appropriate electronic security passes. There is also a fairly large number of security guards throughout the building for a building of its size, monitoring visitors' progress around it.

(Arnold, 2010)

and victims are covered in a separate section, below, as are security considerations in connection with the operation of IT systems.

2.4.4 Accommodation

Historically, court and tribunal buildings have been located in imposing, ceremonial buildings in order to reflect the formal structures of the past and to emphasise the role and independence of the judicial system. From a modern perspective, these historic buildings do not always lend themselves easily to evolutions in technology, to the processing of complex cases, to increased public participation, to open communication and to dissemination of information to the public, nor to the highest degree of transparency. In addition, the continuing attention to security measures, as a result of changing world dynamics, can potentially stifle a user-friendly and accessible environment.

In recent times, we are noticing that a progressive vision of the courts expresses present day culture and values, which include transparency of the legal process, accountability, a democratic system of governance, as well as providing a welcoming rather than intimidating environment, while upholding the law and demonstrating independence. This should be symbolically and practically reflected in court or tribunal buildings, while ensuring functionality is not compromised.

In many cases, it is also a fact that courts or tribunals are not the actual owners of the premises they occupy – they are tenants. As such, it can be challenging at times to effectively influence the building planning process and ensure that accommodations are designed to reflect the specific needs of a court or tribunal. Registrars and court administrators need to maintain ongoing relationships with the relevant government authorities to ensure their requirements are well met regarding both ongoing maintenance and necessary enhancements to the premises. In parallel, registrars and court administrators need to ensure that they have the capacity and the ability to articulate their accommodation needs based on a full understanding of operational workflows, pressures and trends.

Adequate court accommodation is crucial, but appropriate buildings are frequently not available and/or are extremely expensive. In fact, it is not unusual for courts or tribunals to be located in inappropriate buildings simply because there may be neither the inclination nor the money to build something that is suitable. The end result is that more expenditure is frequently required to renovate or adapt existing buildings to meet the basic requirements of a court or tribunal building, which is often challenging and frustrating. This underscores the importance of proper planning, including a functional review of a court or tribunal's accommodation needs, whether it be for a new construction or major renovations.

As a final consideration, and in order to provide user-friendly, open and transparent court accommodation, the public must be effectively seated and comprehensively informed of the proceedings. For example, the public and litigants should be able to view on a docket or the upcoming list of cases, along with a hearing schedule. Where feasible, that information can also be provided on television-style monitors.