

Giacomo OBERTO

*Secretary-General, International Association of Judges
Adjunct Professor of Family Law, Alma Mater Studiorum—University of Bologna*

THE ROLE OF PRESIDENTS OF COURTS OF APPEAL IN DEFENDING THE RULE OF LAW



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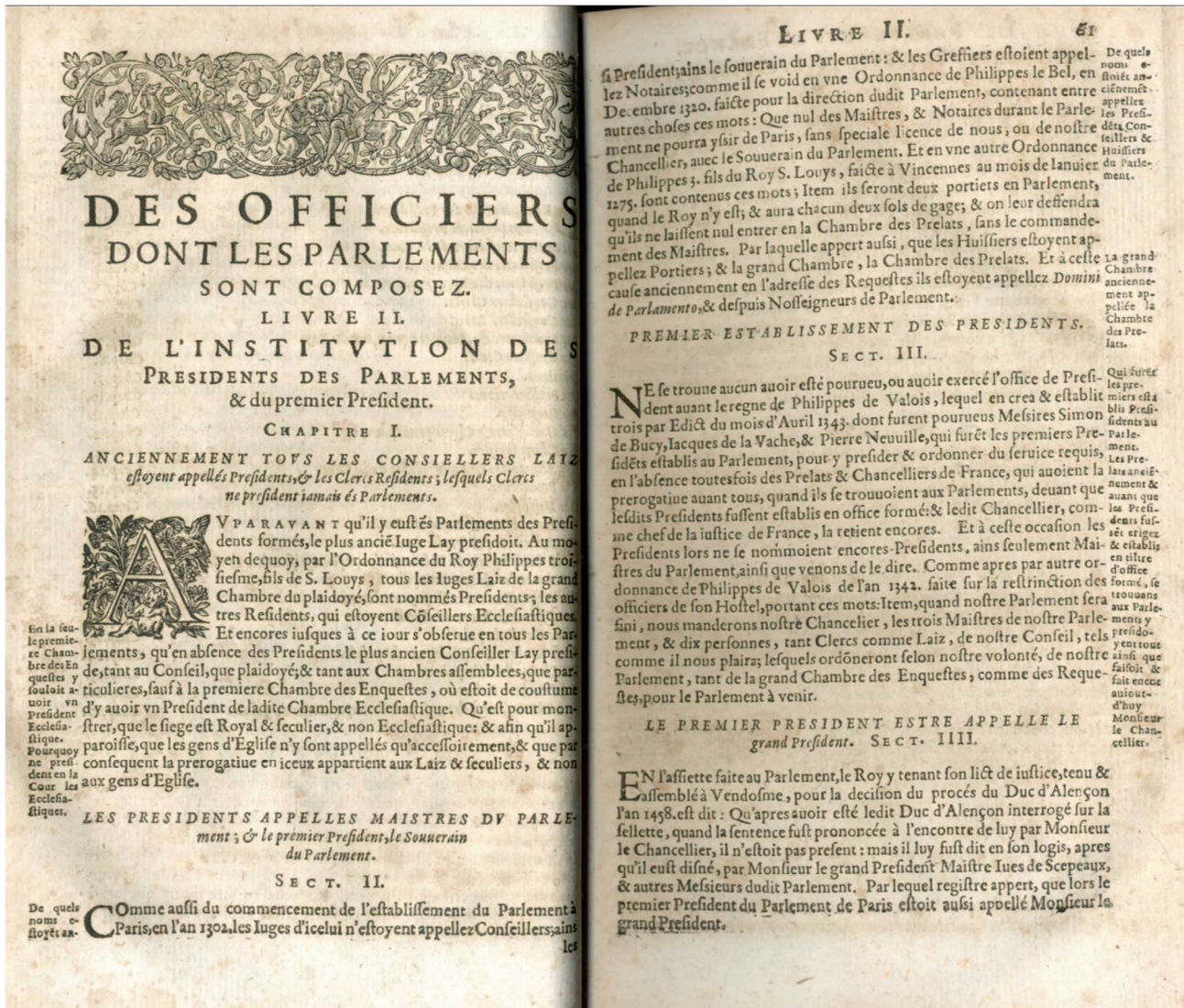
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Gaspard de Gueidan (1688-1767), Président à mortier au Parlement de Provence
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“The main duty of court presidents must remain to act at all times as guardians of the independence and impartiality of judges and of the court as a whole.”

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE), *Opinion No. 19 (2016) on the Role of Court Presidents*, Para. II.A.7.



DE LA ROCHE FLAVIN, *Treize livres des Parlemens de France*, Geneve, 1621, pp. 60 f.

1. Foreword

The consolidation of the rule of law has become one of the major challenges facing contemporary democracies. In the face of political pressures, institutional crises, predatorial behaviour by many governments and rapid social change, courts play an essential role in safeguarding fundamental guarantees. Within these courts, presidents of courts occupy a distinctive position:¹ they are at once guardians of judicial independence, responsible for the proper functioning of the institution,² and public figures capable of articulating a strong voice in support of democratic values.

Indeed, court presidents play a crucial role in upholding the rule of law, as they oversee the administration of justice, manage and allocate human and material resources, and ensure the effective application of the law. In doing so, they safeguard judicial independence, protect fundamental rights, and guarantee equality before the law, while also managing their courts with significant managerial and administrative responsibilities.

Historically, court presidents—and in particular the presidents of the courts of appeal—long enjoyed very considerable privileges, commensurate with the importance of their functions. Thus, in France under the *ancien régime*, it even happened that all the church bells were rung at length upon their death;³ and when the presidents of the court of appeal (then known as the *Parlement*) of Paris fell gravely ill, they were entitled to receive in their own home the relic of the True Cross of Christ.⁴ The situation today is, of course, entirely different. Indeed, in contemporary France there is no shortage of those who complain that “aucun traitement supplémentaire n’est attribué aux chefs des compagnies judiciaires pour les aider à soutenir leur rang”—that is, that “no additional remuneration is granted to the heads of judicial bodies to help them maintain the dignity of their office.”⁵

It is equally true that there is no shortage of critical voices today concerning the very role and powers of court presidents—described by some French observers as “dictateurs d’opérette” (comic-opera dictators) or “chefs d’orchestres antagonistes” (conductors leading rival orchestras). These critics add that the introduction of a managerial logic inspired by a neoliberal, productivity-driven approach—of which the (in)famous statistics are the most evident

¹ In general, on the role of court presidents, see FABRI, *Exploratory study on the position of: Court President, Court Manager, Judicial Assistant, and Media Spokespersons in Selected Council of Europe Member States* (Report No. JP COMASYT). 2013, September 18. Joint Project on “Strengthening the Court Management System in Turkey,” <https://rm.coe.int/joint-project-on-strengthening-the-court-management-system-in-turkey-i/16807895a0>; BLISA and KOSAŘ, *Court Presidents: The Missing Piece in the Puzzle of Judicial Governance*, *German Law Journal*, Volume 19, Issue 7: Special issue — Judicial Self-Government in Europe, 01 December 2018, pp. 2031 ff.; DOI: <https://doi.org/10.1017/S2071832200023324>; VIGOUR, *Les chefs de juridiction : responsabilités accrues et diversité des appropriations gestionnaires*, *Revue française d’administration publique*, 2022/4, N° 184, pp. 1043 ff.; LLAGAMI, *Leadership in the Judiciary: Management and Administration Roles in the Justice System*, *Global Journal of Politics and Law Research*, 2024, <https://eajournals.org/gjplr/vol12-issue-2-2024/leadership-in-the-judiciary-management-and-administration-roles-in-the-justice-system/>; KOSAŘ and ŠIPULOVÁ, *Court Presidents: Power Through Informality*, in TURENNE and MOUSSA (Eds), *Research Handbook on Judging and the Judiciary*, Cheltenham, 2025, pp. 336 ff.

² For instance, Article R 213-29 of the French *code de l’organisation judiciaire* (Judicial Organisation Code) provides for that court presidents must ensure “la bonne administration des services judiciaires de leur ressort et de l’expédition normale des affaires” (the proper administration of the judicial services within their jurisdiction and the orderly handling of cases).

³ ROUSSELET, *Hisitoire de la magistrature française des origines à nos jours*, II, Paris, 1957, p. 30.

⁴ ROUSSELET, *Hisitoire de la magistrature française des origines à nos jours*, II, Paris, 1957, p. 28.

⁵ ROUSSELET, *Hisitoire de la magistrature française des origines à nos jours*, II, Paris, 1957, p. 29.

manifestation—would run counter to the proper functioning of justice.⁶ It is also noteworthy that even the French *Conseil supérieur de la magistrature* (High Council for the Judiciary) acknowledges that “the heads of courts and judicial bodies do not have the tools necessary to carry out their duties with the level of professionalism expected of them. The management and performance-measurement instruments currently in place are not based on reliable statistical reporting. In these circumstances, priorities and areas requiring particular attention cannot be defined in an optimal manner.”⁷

However, it appears undeniable that court presidents ensure the fair allocation of workloads, the quality of infrastructure, and the availability of human and technological resources. A well-organised court is one that is capable of delivering justice that is both efficient and accessible—essential elements of the rule of law. Presidents play as well a role as actors in institutional dialogue, as they are frequently called upon to engage in dialogue with the executive and legislative branches. In an era of legal globalisation, presidents play an active role in European and international judicial networks. They exchange good practices, strategies for safeguarding independence, and common responses to transnational threats. This cooperative dimension strengthens the resilience of judicial systems and helps consolidate a shared culture of the rule of law.

Naturally, such great power is matched by an equally great responsibility. As Bernard de la Roche Flavin already wrote in France more than four centuries ago, the faults of the First Presidents and of the other presidents of judicial offices (those corresponding to today’s courts of appeal were then called *Parlements*) “are much greater, more serious, and more harmful than those of others; for the faults of private individuals within a polity are like those of sailors on a ship. One can still continue the voyage despite the negligence of one or two of the crew; but when those who are at the helm lose the north star or are ignorant of the chart, the navigation must be halted.”⁸

About one hundred years later, the Chancellor of France, Henri François d’Aguesseau, admonished all the *ministres de la Justice*—that is, judges and presiding judges—of the kingdom to bow before the authority of the law, rejecting the temptation to “combattre la Justice sous le voile spécieux de l’Equité,” that is, to assail Justice under the specious veil of Equity.⁹

2. The Role of Court Presidents in International Documents: Recommendation No. 12 (2010) of the Council of Europe

The importance of the role of court presidents in ensuring the rule of law and judicial independence has been repeatedly reaffirmed by international instruments concerning the judiciary.

⁶ JOULIN, *Le président, un dictateur d’opérette ?*, in *L’administration de la justice : un enjeu démocratique*. Colloque MEDEL du 24 juin 2022, <https://medelnet.eu/ladministration-de-la-justice-un-enjeu-democratique/>, pp. 40 ff.

⁷ See the *Contribution du Conseil supérieur de la magistrature. Etats généraux de la justice*, 31 janvier 2021, https://www.conseil-superieur-magistrature.fr/sites/default/files/atoms/files/20220131_-_contribution_du_csm_aux_egi.pdf, p. 26: “les chefs de cour et de juridiction ne disposent pas des outils nécessaires pour accomplir leurs missions avec le professionnalisme attendu d’eux. Les outils de pilotage et de mesure de l’activité ne sont actuellement pas établis à partir d’une remontée statistique fiable. Dans ces conditions, les priorités et points d’attention ne peuvent pas être définis de manière optimale.”

⁸ DE LA ROCHE FLAVIN, *Treize livres des Parlemens de France*, Geneve, 1621, p. 69: “Les fautes des premiers & autres Presidents & chefs de la justice sont beaucoup plus grandes, importantes, & preiudiciables que celles des autres : car les fautes des particuliers en un estat sont pareilles à celles des matelots en un vaisseau. On ne laisse pas d’aller outre pour la negligence d’un ou deux des forsats : mais quand ceux qui sont au timon perdent la tramontane, ou ignorent la carte, il faut arrester la navigation.”

⁹ D’AGUESSEAU, *L’autorité du magistrat et sa soumission à l’autorité de la loi*, *Ouvres de M. le Chancelier D’Aguesseau*, I, Paris, 1759, p. 127.

Beginning with Recommendation No. 12 (2010) of the Council of Europe on *Judges: Independence, Efficiency and Responsibilities*,¹⁰ we may observe that this document places particular emphasis on the duty of court presidents to preserve one of the cornerstones of the rule of law—namely, the principle of judicial independence—especially from the perspective of so-called “internal independence”.

Article 22 of the Recommendation, contained in Chapter III devoted to Internal Independence, states that “in their decision making, judges should be independent and impartial and able to act without any restriction, improper influence, pressure, threat or interference, direct or indirect, from any authority, including authorities internal to the judiciary”. For this reason, the Article continues, “hierarchical judicial organisation should not undermine individual independence”.

Further on this subject, Article 30 of the Explanatory Memorandum adds that “Judicial independence is not just freedom from improper external influence, but also improper influence from within the judicial System, either by other judges or judicial authorities. Each individual judge is subject only to the law. Therefore, judicial hierarchical interference in the exercise of judicial functions cannot be permitted. Instructions from presidents of courts should never interfere in judges’ decision making in individual cases (paragraph 22 of the recommendation).”

Article 31 of the Recommendation defines judicial efficiency as “the delivery of quality decisions within a reasonable time following fair consideration of the issues.” Elaborating on this definition, Article 62 of the Memorandum explains that “the efficient management of cases not only involves individual judges, but also presidents of courts or other competent authorities that have a key role in that area, with full respect for the independence of every individual judge. Compliance with the ‘reasonable time’ requirement of Article 6 of the Convention and the desirable uniformity in the interpretation and application of the law are of particular importance. In order to reach common ground in the interpretation of the law, the president of a court may, for instance, organise meetings to enable judges to exchange opinions on a particular legal subject. Presidents should encourage the sharing and dissemination of good practices among judges of their jurisdiction and set priorities and objectives to be achieved in the management of cases, having regard to the necessity to contain, reduce and eliminate backlogs.”¹¹

¹⁰ The text of Recommendation No. 12 (2010) of the Council of Europe may be consulted at the following link: [https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=CM/Rec\(2010\)12&Language=lanEnglish&Ver=original&BackColorIntern=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=CM/Rec(2010)12&Language=lanEnglish&Ver=original&BackColorIntern=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383).

¹¹ As one of the members of the Group of Specialists on the Judiciary (CJ-S-JUD) appointed by the Secretary-General of the Council of Europe on 23 October 2008 for the drafting of the Recommendation, I am particularly proud of having been at the origin of the content of this Article, in which I sought to translate into an operational principle the experience of the First Instance Court of Turin where, starting in the year 2000, the then President of the Court, Mr Mario Barbuto, devised and successfully implemented a plan aimed at reducing the backlog — the so-called “Programma Strasburgo”. A description of this plan may be found in OBERTO, *Strategies to Deal with Backlogs and Delays in the Court System. European Experiences, Europejski Przegląd Prawa i Stosunków Międzynarodowych [European Review of Law and International Relations]*, 1/2026/77, https://www.giacomooberto.com/Oberto_Toronto_Presentation2.pdf; <https://ojs.academicon.pl/eppism/article/view/10709/10838>, pp. 132 ff.; see as well OBERTO, *Managing Quality and Efficiency of Justice: Italian Strategies in Case Management*, *Richterzeitung*, 2019, 4, <https://richterzeitung.weblaw.ch/fr/rzissues/2019/4/managing-quality-and-544bc61390.html> ONCE&login=false; https://www.giacomooberto.com/Oberto_Managing_quality_of_justice.htm; OBERTO, *Il «Programma Strasburgo» del Tribunale di Torino e le direttive del Groupe de pilotage SATURN della CEPEJ: Breve raffronto*, *Richterzeitung*, 2012, 3; http://giacomooberto.com/studio_sul_Programma_Strasburgo.htm; OBERTO, *Il Consiglio d’Europa e i temi della giustizia*, https://www.giacomooberto.com/oberto_consiglio_europa_temi_giustizia.htm; OBERTO, *Study on Measures Adopted in Turin’s Court (“Strasbourg Programme”) along the Lines of “Saturn Guidelines for Judicial Time Management”*, https://www.giacomooberto.com/study_on_Strasbourg_Programme.htm; CONTINI (ed.), *Handle with Care: Assessing and Designing Methods for Evaluation and Development of the Quality of Justice*, IRSIG-CNR, Bologna, 2017, <https://publications.cnr.it/api/v1/documents/download/168390>; SILVESTRI, *Notes on Case Management in Italy*, <https://ssrn.com/abstract=3158105> or <http://dx.doi.org/10.2139/ssrn.3158105>; STEELMAN and FABRI, *Can an Italian*

3. *The Role of Court Presidents in International Documents: The Universal Charter of the Judge of the International Association of Judges*

As we saw in the previous paragraph, the role of court presidents is closely connected to the issue of internal independence. On this subject, several relevant principles are set out in the *Universal Charter of the Judge*, approved in its current version by the Central Council of the International Association of Judges (IAJ) in 2017 in Santiago de Chile.¹²

Article 3 of the Charter is entirely devoted to the internal independence of the judge. Its first point states that “in the performance of judicial duties the judge is subject only to the law and must consider only the law” (Article 3-1). Furthermore, “a hierarchical organisation of the judiciary in the sense of a subordination of judges to court presidents or to higher instances in their judicial decision-making activity, save for the review of opinions as described below (see Article 3-2), would be a violation of the principle of judicial independence.” This rule—which is considerably stronger than its equivalent in Recommendation No. R(2010)12 of the Council of Europe (“Hierarchical judicial organisation should not undermine individual independence”)—takes a clear stand against the establishment of any form of hierarchical structure within the judiciary. It is inspired by a report of the Venice Commission.¹³

Other provisions within Article 3 of the Universal Charter concern the day-to-day activity of judges, seeking to preserve their personal independence, and may also apply to their relations with court presidents. It is therefore stated that “no influence, pressure, threat or intervention, either direct or indirect, from any authority, is acceptable” (Article 3-2, para. 1). A related issue concerns judicial administrators who do not belong to the judiciary, as their activities may affect the role of court presidents. On this point, the Universal Charter provides that, in any case, “representatives of the judiciary must be consulted before any decision affecting the performing of judicial duties. As court administration can affect judicial independence, it must be entrusted primarily to judges” (Article 3-3, paras. 1 and 2).

Article 3-4 of the same Charter deals with a matter directly concerning the role of court presidents: the allocation of cases. According to this rule, “allocation of cases must be based on objective rules, which are set forth and communicated previously to judges. Any decision on

Court Use the American Approach to Delay Reduction?, <https://www.tandfonline.com/doi/abs/10.1080/0098261X.2008.10767868>; VERZELLONI, *Reduction of Backlog: The Experience of the Strasbourg Programme and the Census of Italian Civil System*, <https://www.ency.eu>; ESPOSITO, LANAU and POMPE, *Judicial System Reform in Italy—A Key to Growth*, <https://www.imf.org/external/pubs/ft/wp/2014/wp1432.pdf>; IMF, *Italy, Selected Figures*, Washington, 2014, p. 15 ff., <https://www.imf.org/external/pubs/ft/scr/2014/cr14284.pdf>.

¹² See <https://www.iaj-uim.org/iuw/universal-charter-of-the-judge-2017/>.

¹³ See Article 68 of the *Venice Commission Report on Judicial Independence* (2008), according to which “68. The issue of internal independence within the judiciary has received less attention in international texts than the issue of external independence. It seems, however, no less important. In several constitutions it is stated that ‘judges are subject only to the law.’ This principle protects judges first of all against undue external influence. It is, however, also applicable within the judiciary. A hierarchical organisation of the judiciary in the sense of a subordination of the judges to the court presidents or to higher instances in their judicial decision-making activity would be a clear violation of this principle.” See further Article 10 of the “Magna Carta of European Judges” issued by the Consultative Council of European Judges (CCJE) (<https://rm.coe.int/2010-ccje-magna-carta-anglais/168063e431>): “In the exercise of their function to administer justice, judges shall not be subject to any order or instruction, or to any hierarchical pressure, and shall be bound only by law.” On the issue of internal independence in the works of the Venice Commission see HELGESEN, *The Independence of Judges - and the Judiciary - as seen from Venice*, in ENGSTAD, LÆRDAL FRØSETH and TØNDER, *The Independence of Judges*, The Hague, 2014, p. 122 ff.

allocation must be taken in a transparent and verifiable way.” The second paragraph adds that “a case should not be withdrawn from a particular judge without valid reasons. The evaluation of such reasons must be done on the basis of objective criteria, pre-established by law and following a transparent procedure by an authority within the judiciary.”¹⁴

4. The Role of Court Presidents in International Documents: Opinion No. 19 of the Consultative Council of European Judges

An important opinion *On the Role of Court Presidents* was issued in 2016 by the Consultative Council of European Judges—*Conseil Consultatif de Juges Européens* (CCJE) (Opinion No. 19).¹⁵

This opinion sheds particular light on the duty of court presidents to preserve, among other things, the principles of judicial independence and judicial impartiality which, as already noted, constitute a cornerstone of the rule of law. To quote only a few of the many relevant paragraphs, reference may be made to paragraph 2, which highlights the “overriding need to ensure a more effective functioning of an independent judiciary and an enhanced quality of justice.” Paragraph 25 likewise states that “the presidents should never engage in any actions or activities which may undermine judicial independence and impartiality.”

Furthermore, paragraph 6 of the same opinion, which enumerates the specific functions of heads of courts, states that “in performing their tasks, court presidents protect the independence and impartiality of the court and of the individual judges.” Paragraph 7 reinforces this point, noting that “the main duty of court presidents must remain to act at all times as guardians of the independence and impartiality of judges and of the court as a whole.”

The duty of court presidents to protect judicial independence is examined from the dual perspectives of external and internal independence. Thus, paragraph 11 of the opinion recommends that, where “the executive power exerts, through Ministries of Justice, considerable influence on the administration of courts through directors of courts and judicial inspections,” court presidents “have an important role to prevent possible interferences into the court activities by the executive.”

With regard to internal independence, paragraph 13—within the chapter devoted to “Relations within the court: independence of judges”—underlines that “internal judicial independence requires that individual judges be free from directives or pressure from the president of the court when adjudicating cases.” Consequently, “court presidents, acting as guardians of the court’s independence, impartiality and efficiency, should themselves respect the internal independence of judges within their courts.”

Beyond these fundamental rules, the opinion devotes particular attention to the delicate role of heads of courts in the assessment of judges. Paragraph 22 therefore recommends that, where presidents evaluate the performance of individual judges, “there must be appropriate legal and transparent safeguards in place to ensure impartiality and objectivity of that review.” This means

¹⁴ See OBERTO, *The Universal Charter of the Judge Approved in 2017 by the International Association of Judges*, http://www.iaj-uim.org/iuw/wp-content/uploads/2018/01/Oberto_The_Universal_Charter_of_the_Judge_2017.pdf, p. 6 ff.; see as well OBERTO, *Un nuovo statuto per un nuovo giudice*, https://www.giacomooberto.com/Oberto_Un_nuovo_statuto_per_un_nuovo_giudice_2017.htm; http://www.iaj-uim.org/iuw/wp-content/uploads/2017/12/Oberto_Un_nuovo_statuto_per_un_nuovo_giudice_2017.pdf; *Contratto e impresa / Europa*, 2019, pp. 49 ff.; OBERTO, *Lo Statuto Universale del Giudice approvato a Santiago del Cile dall’Unione Internazionale Magistrati, La Magistratura*, 2018, 1, *Gennaio – Marzo 2018*, pp. 18 ff.; https://www.giacomooberto.com/Oberto_Lo_statuto_universale_del_giudice.pdf.

¹⁵ See <https://rm.coe.int/4880152a97>.

that assessments should be conducted in an adversarial manner with the judges concerned, and that the presidents' evaluations should be subject to challenge before a higher instance.

Another highly sensitive situation in which the role of the court president may prove crucial concerns the handling of complaints submitted by parties or their lawyers.

Paragraph 23 of the CCJE opinion states: "Where court presidents have a role in receiving and responding to parties' complaints concerning cases pending in the court, they should have due regard to the principle of independence of judges, as well as to the legitimate expectations of the parties to the case and society as a whole."

In my own country, complaints are increasingly submitted by parties—and even more frequently by their lawyers—even though presidents have no specific legal role in this regard. The aim is often to exert pressure on the judge. This occurs particularly when a case is still pending and the judge's conduct does not meet the expectations of certain lawyers (for example: the judge has refused to hear witnesses proposed by a party; has rejected a request to appoint a technical expert; or has appointed an expert whom a lawyer or party "does not like"). What then happens is that the lawyer pays a "visit" to the head of the court concerned (or to the president of the division in which the judge sits) in an attempt to persuade him or her to exert some degree of pressure on the judge in view of the forthcoming decision.¹⁶

In my personal experience, this constitutes the most serious threat to judicial independence. I may add, on a personal note, that this was one of the reasons that led me to retire almost three years before the statutory age of 70, as I observed that in a number of situations the attitude of presidents—of divisions, first-instance courts and courts of appeal—was not sufficiently firm in dealing with such delicate matters. My own advice is that presidents, instead of summoning the judge concerned and relaying the "complaint," should firmly and unequivocally reject such attempts to undermine judicial independence and impartiality: either by refusing to receive lawyers who behave in this manner, or by requiring them first to submit their complaint to the other party or parties in the case, in accordance with the *audiatur et altera pars* principle, which is undoubtedly one of the cornerstones of the rule of law.¹⁷

The need to safeguard judicial independence and impartiality at all costs as an essential duty of court presidents is reiterated several times in the "Conclusions and Recommendations" (Part V) of the CCJE opinion. According to Conclusion No. 1, "in performing their tasks, court presidents protect independence and impartiality of the court and individual judges and they have to act at all times as guardians of these values and principles (paragraphs 6 and 7)." Likewise, Conclusion No. 5 states that "the court presidents should never engage in any actions or activities which may undermine judicial independence and impartiality (paragraphs 24 and 25)."

¹⁶ This "system" is described in more details in OBERTO, *Strategies to Deal with Backlogs and Delays in the Court System. European Experiences, Europejski Przegląd Prawa i Stosunków Międzynarodowych [European Review of Law and International Relations]*, 1/2026/77, https://www.giacomooberto.com/Oberto_Toronto_Presentation2.pdf; <https://ojs.academicon.pl/eppism/article/view/10709/10838>, pp. 147 ff.

¹⁷ The reason for the leniency with which some Italian court presidents, in my modest opinion, bow in such (at times truly shameful) a manner is to be found in the growing influence that Italian lawyers have acquired in the "behind-the-scenes" decision-making processes affecting judicial careers. In practical terms, any president of section who aspires to become president of his or her court, and any president of a tribunal who wishes to become president of a court of appeal, knows (at least in Italy) that he or she must pay increasing attention to the attitude of the legal profession towards them. Lawyers in Italy may indirectly—but often effectively—steer appointments to specific positions, as they now sit on local judicial councils and are therefore able to influence assessments and decisions affecting judicial careers. It is therefore essential that presidents of courts be able to keep their spines upright in all circumstances.

5. *The Role of Court Presidents in International Documents: The Position of the European Commission for the Efficiency of Justice (CEPEJ)*

Turning now to another category of documents issued by the Council of Europe, we must consider the work of the European Commission for the Efficiency of Justice (*Commission Européenne pour l'efficacité de la Justice* – CEPEJ).

The first instrument to be examined is the SATURN Guidelines for Judicial Time Management, adopted in their final and current version in 2021 by the CEPEJ-GT-SATURN, the working group which I had the honour to chair at the time.¹⁸

These Guidelines devote an entire section (Part I.IV) to the role of court managers. Of course, the CEPEJ's perspective differs from that of the CCJE, as the focus here is primarily on issues relating to the efficiency of the judiciary. While enumerating the various duties of court presidents in the field of judicial efficiency, particular attention is paid to another essential cornerstone of the rule of law: Article 6 of the European Convention on Human Rights, according to which “in the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”

Court presidents should therefore ensure the implementation of reliable and efficient data-collection systems concerning the performance of their courts and compliance with the “reasonable time” requirement. The information collected should, in an appropriate form, be made available to the parties and to the general public. All data should be continuously analysed and used for monitoring and improving performance. Reports on the results of such analyses should be produced at regular intervals—at least once a year—and should include appropriate recommendations. In addition to standards and targets set at higher levels (national or regional), specific targets should also be established at the level of individual courts. Court presidents should have sufficient authority and autonomy to set, or to participate actively in the setting of, these targets. Where there is a significant departure from the targets established at court level, court presidents should address the underlying causes promptly and effectively.

Needless to say, court presidents should also play an essential role in developing tools aimed at enhancing the efficiency of their courts. In this regard, I would mention the elaboration of backlog-reduction tools, possibly supported by court dashboards. Vigilance regarding caseloads has always been a constant concern of court presidents. As a French researcher has observed, “Les stocks et flux de dossiers font l’objet d’une vigilance quotidienne du procureur et du président du tribunal dès les années 1990.”¹⁹ Today, backlog-reduction tools and dashboards can offer valuable solutions. These are instruments on which the CEPEJ—and in particular the CEPEJ-GT-SATURN, under my presidency—has produced tools and documents, to which I refer in the footnotes below.²⁰

¹⁸ See <https://rm.coe.int/cepej-2021-13-en-revised-saturn-guidelines-4th-revision/1680a4cf81>.

¹⁹ VIGOUR, *Les chefs de juridiction : responsabilités accrues et diversité des appropriations gestionnaires*, *Revue française d'administration publique*, 2022/4, N° 184, p. 1045.

²⁰ On the subject of backlog reduction tools, see the document adopted by the CEPEJ at its 40th plenary meeting (Strasbourg, on 15 and 16 June 2023), available at the following web address: <https://rm.coe.int/cepej-2023-9final-backlog-reduction-tool-en-adopted/1680acf8ee>; details on it are available in OBERTO, *Strategies to Deal with Backlogs and Delays in the Court System. European Experiences*, *Europejski Przegląd Prawa i Stosunków Międzynarodowych [European Review of Law and International Relations]*, 1/2026/77, https://www.giacomooberto.com/Oberto_Toronto_Presentation2.pdf; <https://ojs.academicon.pl/eppism/article/view/10709/10838>, pp. 120 ff. As for the dashboards, see the *Handbook on Court Dashboards*, designed to assist stakeholders in the courts systems—primarily court managers—with the task of designing management dashboards to track, analyse and display data on the performance level of the courts, adopted by the CEPEJ at its 36th plenary meeting (Strasbourg, 16-17 June 2021), available under the following web address:

Another area in which court presidents may play a significant role is the development of case-weighting systems. Here too, the CEPEJ—and again the CEPEJ-GT-SATURN under my presidency—has produced studies and tools, referenced below.²¹

Case-weighting aims to assess the complexity of cases in order to measure court workloads, recognising that different case types may require different amounts of judicial time. Case-weighting methodologies are designed to support a range of tasks, including:

- determining the required number of judges, court staff, prosecutors and/or public defenders;
- supporting funding and budgetary requests; allocating justice system personnel within the different work units;
- assigning cases within the courts to ensure balanced allocation among judges within the same court department;
- setting quotas and evaluation standards;
- planning the merger or reduction of work units.

Needless to say, the participation not only of judges and staff but also of court presidents is crucial for the successful introduction of case-weighting. A communication strategy or plan can play a key role in effectively conveying the purpose and benefits of the system, while also addressing concerns raised by judges, court presidents and staff. This awareness-raising plan should target both internal stakeholders within the judiciary and external audiences (such as court users), providing clear information about the rationale, objectives, methodology and timeline of the case-weighting process. As part of this awareness-raising effort, judicial authorities may organise round tables on case-weighting and invite legal professionals, or produce short promotional videos, leaflets or small social-media or radio announcements.²²

6. Specific Training for Court Presidents: Comparative Experiences

The specific nature of the tasks performed by Court Presidents requires particular and careful attention not only in the appointment of judges to such positions, but also in the development of dedicated and targeted training activities for these judicial functions.

<https://rm.coe.int/cepej-2021-8-handbook-on-court-dashboards-en/1680a2c2f6>. Based on performance indicators, the tool helps courts, their managers, and justice professionals to measure performance and efficiency of judicial work, thus facilitating the distribution of tasks within the courts. This manual provides practical, step-by-step guidance on how to develop comprehensive court and judge-level dashboards. It covers the dashboard design process, its content, data visualisation, technical requirements, and contains practical examples of dashboards. The concepts it highlights are presented as food for thought, and court systems are encouraged to take ownership of the general framework and adapt it to their own needs. Details on this handbook are available in OBERTO, *Strategies to Deal with Backlogs and Delays in the Court System. European Experiences*, *Europejski Przegląd Prawa i Stosunków Międzynarodowych [European Review of Law and International Relations]*, 1/2026/77, https://www.giacomooberto.com/Oberto_Toronto_Presentation2.pdf; <https://ojs.academicon.pl/eppism/article/view/10709/10838>, pp. 128 ff.

²¹ See, in particular, the Case-weighting Tool for Courts, adopted at the 45th plenary meeting of the CEPEJ (Strasbourg, on 4 and 5 December 2025), available under the following web address: <https://rm.coe.int/cepej-2025-13-en-draft-case-weighting-tool/48802aa87d>.

²² For more details on this tool see OBERTO, *Strategies to Deal with Backlogs and Delays in the Court System. European Experiences*, *Europejski Przegląd Prawa i Stosunków Międzynarodowych [European Review of Law and International Relations]*, 1/2026/77, https://www.giacomooberto.com/Oberto_Toronto_Presentation2.pdf; <https://ojs.academicon.pl/eppism/article/view/10709/10838>, pp. 135 ff. See as well the following study: CEPEJ, *Case weighting in judicial systems – CEPEJ Studies No. 28*, <https://rm.coe.int/study28-case-weighting-report-en/16809ede97>.

Looking across the Atlantic, we see that the Court Administration Academy for Judges and Court Staff in the United States²³ provides courses specifically designed for presiding judges, covering subjects such as:

- Access to Justice
- Administrative Recordkeeping and Reporting
- Case flow Management
- Crisis Management
- Data Collection and Reporting
- Ethics
- Effective Teamwork
- Judicial Wellness and Resilience
- Public and Media Access
- Records Management
- Security
- Technology
- Working with Governing Bodies.

The same is true for other American institutions, such as the National Association for Presiding Judges & Court Executive Officers (NAPCO),²⁴ and the The National Center for State Courts.²⁵

At the European level, since 2005 the European Judicial Training Network (EJTN) has operated an Exchange Programme for Judicial Authorities.²⁶ One of the main chapters of this research paper concerns the EJTN exchange programme for judicial leaders (presidents of courts and heads of public prosecution offices).

The aim of this programme is to convince court presidents and chief prosecutors of the benefits of judicial exchanges. This objective is fully aligned with the principles expressed in the *Declaration of Judicial Training Principles*, issued in 2017 by the International Organisation for Judicial Training (IOJT).²⁷ Article 3 of that Declaration states that “judicial leaders and the senior judiciary should support judicial training,” and the official commentary clarifies that “judicial leaders” also refers to heads of courts.

Returning to the EU Exchange Programme for Judicial Authorities, it should be noted that, according to the relevant documentation, the reluctance of some court presidents and chief prosecutors to release members of their courts or prosecution offices for exchanges of one or two weeks may constitute an obstacle to participation. As a result, the EJTN has sought to overcome this difficulty through the implementation of tailor-made exchanges for judicial leaders. Judicial exchanges are essential, particularly for judicial leaders, as they set an example and provide a platform for sharing best practices on issues such as professional leadership, the media and its influence on the judiciary, change management, information and communication technologies, human resources management, financial management, and the measurement and evaluation of judicial performance.

²³ See <https://judges.org/courses/court-admin/>.

²⁴ See <https://napco4courtleaders.org/>.

²⁵ See <https://www.ncsc.org/>.

²⁶ See the following publication issued by the Directorate general for internal policies, Policy department for citizens' rights and Constitutional affairs, Legal affairs, Civil liberties, justice and home affairs of the European Parliament, under the title The Training of Judges and Legal Practitioners - Ensuring the Full Application of EU Law. Workshop 12 April 2017, [https://www.europarl.europa.eu/RegData/etudes/IDAN/2017/583134/IPOL_IDA\(2017\)583134_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2017/583134/IPOL_IDA(2017)583134_EN.pdf).

²⁷ See https://www.unodc.org/documents/ji/discussion_guides/supporting_docs_session_2.pdf.

At the comparative European level, it should also be noted that in 2019 the EJTN published a booklet entitled *Judicial Training Methods: Guidelines for Leadership Training*.²⁸ Such guidelines are an attempt to support judicial training providers in their work on planning, organising and conducting leadership training. They build on previous EJTN work in this field. The overall purpose of the guidelines is to serve as a practical and user-friendly tool, offering concrete examples. In previous years, the EJTN had organised several seminars and conferences for court presidents and chief prosecutors, with the aim of exploring the contexts in which judicial leaders operate in EU Member States. Among the achievements of this document is the drafting of guidelines outlining a model for an “ideal” leadership training programme, including suggested topics and teaching and training methodologies, all based on experiences drawn from different countries.

7. Specific Training for Court Presidents: A Comparative Analysis by the Italian School of the Judiciary

In May 2023, the Italian School of the Judiciary (SSM) and the Bologna branch of the Institute of Legal Informatics and Judicial Systems (IGSG-BO) of the National Research Council of Italy (CNR) signed a cooperation agreement for the preparation, collection and processing of data, as well as the analysis of responses to two online questionnaires submitted to the judicial training institutions—members of the European Judicial Training Network (EJTN). The questionnaires, consisting of 74 closed and open questions, concerned training for managerial and middle-managerial positions (presidents of courts and presidents of court divisions) in courts and prosecutors’ offices. On the basis of these questionnaires, the above-mentioned institute produced a comprehensive report.²⁹ The study highlights the complexity and diversity of appointment and training systems for court presidents across Europe.

Several distinctive aspects of this research allow us to draw general observations. For instance, training programmes for presidents of courts and chief prosecutors are identical in about half of the countries surveyed. It is noteworthy that the French school (*École Nationale de la Magistrature*) provides different selection paths but identical training programmes for presidents of courts and chief prosecutors. Appointments of court presidents are predominantly made by national or local judicial councils, although ministerial appointments and election by peers (judges) are also well represented in some countries (e.g. Bosnia, Ukraine, Portugal—excluding first-instance offices in the latter case). The data show that only in two countries (Belgium and Italy) are chief prosecutors appointed by the same judicial council that also governs judges.

According to the data collected, the selection of judicial middle-managers in courts and prosecutors’ offices is mainly a prerogative of the president of the court or the chief prosecutor. In some cases, the decision is taken by a judicial council—either a single council or separate ones for judges and prosecutors—and, in rare cases, by the Minister of Justice.

The main tasks of court presidents identified by the training institutions include monitoring the performance of the office, reporting disciplinary offences, allocating judges, and analysing the duration of proceedings. The presence of an administrative manager is reported in almost all offices. Thirteen countries out of twenty-seven (e.g. Denmark, Finland, Germany, Italy, the Czech Republic) report overlapping competences.

²⁸ See <https://ejtn.eu/wp-content/uploads/2023/10/Handbook-Guidelines-for-leadership-training-2019.pdf>.

²⁹ See FABRI, *The Training of Presidents of Courts, Chief Prosecutors, and Judicial Middle Management Positions in Europe*, https://www.scuolamagistratura.it/documents/20126/4549682/240226_Quaderno_en.pdf. See as well <https://ejtn.eu/news/training-of-presidents-of-courts-chief-prosecutors-and-judicial-middle-management-positions-in-europe/>.

As for the specific questions on training, the questionnaires contained two distinct sections: one to collect information on possible courses for judges and prosecutors aspiring to managerial positions, and another for those already holding such positions. Only ten training institutions—one third of those responding—indicated that they organise courses for aspiring presidents of courts and chief prosecutors (Denmark, Bosnia-Herzegovina, the Netherlands, Romania, Germany, Portugal, Serbia, Italy, France and Belgium). Courses are organised for all managerial levels, but mainly for first- and second-instance positions. Training courses are compulsory for aspiring judicial managers in only two countries: Italy and Portugal. The duration of courses is generally no longer than three days; only in two cases (Italy and Portugal) do they extend up to twenty-one days. In the few institutions that organise them, courses must be attended either once (Belgium, Denmark, the Netherlands, Romania, Serbia) or several times (Bosnia, Germany, Portugal, Italy, France).

Preferred training modalities for prospective presidents of courts and chief prosecutors remain traditional face-to-face teaching. About half of the institutions also indicate mixed face-to-face and online solutions, and to a lesser extent fully online or recorded formats. Training techniques are mostly traditional—readings, lectures, discussions—although some institutions also employ methods considered more appropriate for management training, such as problem-solving seminars, case studies and role-playing simulations. The subjects most frequently covered include management, communication, information and communication technologies, conflict and personnel management, ethics and professional conduct.

Trainers are mainly fellow judges and prosecutors, although some institutions (e.g. Denmark and the Netherlands) prefer managers from other public administrations or from the private sector. Only five schools (Bosnia, the Netherlands, Portugal, Serbia and Italy) indicate that they evaluate participants aspiring to managerial positions at the end of the course. Although the numbers are low, the evaluation methods used include multiple-choice tests, the drafting of an action plan and interviews. Only in two countries for both courts and prosecutors' offices (Portugal and Italy), and in two countries for prosecutors' offices only (Sweden and Hungary), is the assessment carried out at the end of the training course used in the candidate's appointment procedure.

A specific section of the questionnaires concerned courses for those already in managerial positions. Twenty-three out of twenty-nine schools organise such courses, plus Belgium, which responded only for prosecutors. Attendance for court presidents and chief prosecutors already in office is predominantly optional (twelve out of twenty). Eight schools indicate that it is compulsory (Bosnia, the Czech Republic, Hungary, Croatia, the Netherlands, Slovenia, Ukraine). The duration of these courses is generally no longer than three days, with some exceptions: around one week in the Czech Republic, Denmark, Finland, France, Sweden and Hungary; and around three weeks in Italy and the Netherlands. Training is mainly face-to-face, and the topics covered are very similar to those indicated for courses for aspiring managers.

It is also worth highlighting the initiative developed by the Swedish training institution for court managers, which offers voluntary dialogue groups for the confidential exchange of knowledge, experience and working practices. These groups consist of no more than eight participants. For each meeting—usually no more than five per year—a topic is selected based on direct experience in the office and shared for discussion with colleagues.

Trainers in courses for court presidents are predominantly judges, whereas in courses for chief prosecutors, public prosecutors prevail. Professors, researchers and managers from public and private organisations are also involved. In courses for court presidents, administrative managers also participate. At the end of the course, only four schools (Bosnia, the Netherlands, Serbia and Ukraine) indicate that they conduct an evaluation of participants. Evaluation is mainly carried out through a final multiple-choice test or the preparation of an action plan.

8. The Powers of Court Presidents: Comparative Experiences

In a very interesting comparative analysis made in 2018, two Czech researchers³⁰ developed what they called “a taxonomy of powers of court presidents,” meaning a structured classification of the various forms of authority exercised by court presidents. In doing so, they drew on examples from across the globe. The authors narrowed the number of jurisdictions studied to thirteen and developed a “Court Presidents Power Index”. These jurisdictions include the CJEU, Czechia, the ECtHR, France, Germany, Ireland, Italy, the Netherlands, Poland, Romania, Slovakia, Slovenia and Russia. By constructing this “Court Presidents Power Index”, the researchers obtained an approximate picture of the strength of court presidents in the jurisdictions examined.

Quite interestingly, the study identified the following “categories” of court presidents:

- court president as a boss,
- court president as a judicial leader,
- court president as a manager,
- court president as a judicial diplomat, and
- court president as a *primus inter pares*.

The in-depth analysis of these systems was condensed into two tables, which concisely illustrate the different categories of court presidents and their respective powers. The first table³¹ enumerates the degree of powers and the areas in which such powers are exercised, as follows:

Table 1: Court Presidents Power Index: Typology of Powers

Powers Area	Extensive	Intermediate	Minimal
Judicial Careers	CZ, RU, SLO, SVK (significant role in selection, promotion, or disciplining of judges)	IRE, FR, RO, PL (limited role in selection or promotion of judges)	CJEU, ECtHR (both weak influence over one of the bodies involved in election of judges), GER (indirect influence over promotion of judges), NL, IT
Administrative	FR (discretionary case assignment), CJEU (discretionary case assignment), CZ, IT (panel assignment + work schedules), RU, PL, SLO	SVK, IRE (work schedules, managing courts including staff), NL (case assignment), ECtHR	GER (shared administrative powers), RO (supervising random case assignment),
Financial	RU (powers over bonuses, kindergartens and flats)	SLO (deciding on education, conferences), SVK, FR (power over salary bonuses)	CZ, IT, NL, GER, PL, IRE, RO, CJEU, ECtHR (power over court budgets)
Jurisprudential	CZ, SVK, PL, RU, CJEU (opinion assignment + additional resources)	ECtHR	SLO, GER, IRE, FR, IT, RO, NL
Ambassadorial	ECtHR, CJEU, RU (represent judiciary, communicate with the executive/other organs)	PL, CZ, IRE, SLO, GER	IT (opening of the judicial year), NL (speeches), FR, RO, SVK
Media	CJEU, ECtHR, CZ, SLO	RU	SVK, GER, PL, IRE, NL, FR, IT, RO

The second table³² presents a sort of ranking of the powers of court presidents in the relevant countries, as follows:

³⁰ BLISA and KOSAŘ, *Court Presidents: The Missing Piece in the Puzzle of Judicial Governance*, *German Law Journal*, Volume 19, Issue 7: Special issue — Judicial Self-Government in Europe, 01 December 2018, pp. 2031 ff.

³¹ BLISA and KOSAŘ, *Court Presidents: The Missing Piece in the Puzzle of Judicial Governance*, *German Law Journal*, Volume 19, Issue 7: Special issue — Judicial Self-Government in Europe, 01 December 2018, p. 2058.

³² BLISA and KOSAŘ, *Court Presidents: The Missing Piece in the Puzzle of Judicial Governance*, *German Law Journal*, Volume 19, Issue 7: Special issue — Judicial Self-Government in Europe, 01 December 2018, p. 2059.

Table 2: Court Presidents Power Index: Overall Strength of Court Presidents

Country	Power Index
Russia	17
Czechia	15
Slovenia	14
CJEU	14
Poland Slovakia ECtHR	12
France	10
Ireland	9
Italy	8
Romania Germany Netherlands	7

One of the most interesting findings of the study is that it challenges the traditional view that Eastern European court presidents are allegedly much stronger than their Western European counterparts. The supposed West/East divide regarding the powers of court presidents is not as clear-cut as has often been suggested.

Naturally, this is only an initial approach, and it is not without elements that raise certain perplexities. For instance, I would not say that Italian court presidents possess merely “minimal” powers over judges’ careers, given that they are responsible for drafting the assessments on which the periodic evaluations of professional competence—and the decisions of the High Council for the Judiciary concerning the conferral of higher functions—are based. The same applies to powers relating to relations with the media, since Italian law expressly entrusts court presidents with the authority to present to the press the activities of the courts they lead.

Conversely, the tables do not include organisational powers concerning case management and backlog reduction, which we referred to above.³³ Yet this is one of the areas in which modern court presidents could indeed bring about a genuine shift—both through the drafting and implementation of plans and projects, and through their example and leadership—capable of steering justice towards a far more effective and modern approach to the management of litigation across our continent. As pointed out by a recent study on leadership in the judiciary,³⁴ an effective leader recognises the importance of embracing change and proactively works towards implementing it positively. The role of a court president should evolve from that of a passive overseer of judicial processes to that of an active participant who demonstrates commitment and assumes responsibility for the development of a superior justice system.³⁵

³³ See above, paragraph No. 5.

³⁴ LLAGAMI, *Leadership in the Judiciary: Management and Administration Roles in the Justice System*, *Global Journal of Politics and Law Research*, 2024, <https://eajournals.org/gjplr/vol12-issue-2-2024/leadership-in-the-judiciary-management-and-administration-roles-in-the-justice-system/>, pp. 78 f.

³⁵ SHEPARD, *The Role of Assessment in a Learning Culture*, *Journal of Education*, 2009, 189(1-2), <https://doi.org/10.1177/0022057409189001-207>, pp. 95 ff.