



Visoko sudsko i tužilačko vijeće Bosne i Hercegovine
Visoko sudbeno i tužiteljsko vijeće Bosne i Hercegovine
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The Guidelines for the Appointment of Heads of Court Departments

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1. Purpose of the Guidelines

The Guidelines for the appointment of Heads of Court Departments (hereinafter referred to as: the Guidelines) are a set of recommendations intended for court presidents in Bosnia and Herzegovina to help establish a clear, objective and transparent process for appointing heads of court departments and to specify requirements and skills for a head of a court department to be able to properly deal with the challenges and demands of the position.

The Guidelines are passed with the view to meeting the following objectives:

- a) To ensure that Heads of Court Departments fulfil their duties prescribed by Article 17 of the Book of Rules on Internal Court Operations¹,
- b) To strengthen the role and responsibility of heads of court departments, especially in the context of organisation and managing a court department, as one of the performance evaluation elements for heads of court departments, in accordance with the Criteria for Evaluating Performance of Court Presidents and Heads of Court Departments in Bosnia and Herzegovina,
- c) To address the lack of regulation with clear and objective criteria and procedures for the selection of heads of departments and eliminate it as a risk factor identified in the integrity plans for judicial institutions of Bosnia and Herzegovina,
- d) To apply the results of the “Improving judicial Efficiency Project II”, being implemented by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (hereinafter: the HJPC), which, among other things, include more efficient court management, by developing and strengthening proactive involvement and managerial role of heads of court departments.

The Guidelines may be applied in all municipal, basic, cantonal, district and commercial courts in Bosnia and Herzegovina, the Higher Commercial Court in Banja Luka, the Basic Court of Brcko District BiH and the Appellate Court of Brcko District BiH, the Supreme Court of the Federation of Bosnia and Herzegovina and the Supreme Court of Republika Srpska, if they have court departments.

The use of grammatical gender in these Guidelines is intended to include both genders.

2. Procedure for the Appointment of Heads of Court Departments

2.1. Profile of the head of department

The head of a department should be a judge:

- Who has at least three years of experience in working as a judge,
- Whose last three performance evaluation grades, before taking the position of a head of court department, were successful or exceptionally successful,
- Who has not been subject to any disciplinary measures during the three years before taking the position of a head of court department,
- Who possesses the following skills: communication skills, willingness to cooperate, focus on results and innovation, ability to lead, and has a proactive attitude, as described in detail in the Attachment 1 to the Guidelines.

2.2. Internal call and submission of applications

¹ Book of Rules on Internal Court Operations. (Official Gazette of BiH“ No. 66/12, 40/14, 54/17, 60/17 and 30/18) and the Book of Rules on Internal Court Operations (Official Gazette of the RS“ No. 09/14, 71/17 and 67/18).

Court president sends out an internal call to all judges inviting them to apply for a position of a head of a court department, in which the president shall specify:

- a. Requirements for heads of court departments, as specified in Section 2.1. of the Guidelines,
- b. Manner of submitting applications,
- c. Deadline for submitting applications,
- d. The contents of applications, as specified by the following paragraph of this section.

Applications for heads of court departments shall include:

- a. The name of court department to which the candidate applies,
- b. Proposed work plan for the department and the proposed objectives (vision for the team work, proposed improvements, proposed manner of work of the department, objectives for the department during the mandate), as well as their own vision of the role of a head of department (expectations and duties).

2.3. Opinion of judges of the court department

To identify potential candidates for heads of court departments, and to improve the transparency of the appointment process, court presidents may conduct anonymous polls among the judges in court departments.

The anonymous polls should be conducted by using a questionnaire, enclosed as Attachment 2 to the Guidelines. If court presidents deem purposeful, they may include some other important questions in the polls.

The opinion of the judges of court departments, obtained through anonymous polls, will be of consultative character.

2.4. Conducting interviews and selecting the most successful candidates

Court presidents will conduct interviews with all candidates who submit complete applications, in accordance with Section 2.2 of the Guidelines and meet the requirements referred to in Section 2.1 of the Guidelines.

Court presidents will select the most successful candidates, based on the following:

- a. The result of the interview,
- b. Consultative opinion of the judges of the relevant court department, obtained in accordance with Section 2.3 of the Guidelines, and
- c. The degree to which they meet the requirements, set out in Section 2.1 of the Guidelines.

Exceptionally, court presidents may select heads of court departments without conducting interviews, in following cases:

- a) If no one applies for the position of the head of a court department,
- b) If only incomplete and/or untimely applications were received,
- c) If only candidates who do not meet the requirements set out in section 2.1 of the Guidelines applied.

Court presidents may also obtain opinions of the judges of the relevant court department, in accordance with the Section 2.3 of the Guidelines, in case when selecting heads of court departments without interviews.

2.5. Appointment of heads of court departments and duration of their mandate

Heads of court departments are appointed to one-year mandates.

Upon expiry of the mandate of department heads, court presidents may extend their mandate without repeating the appointment procedure, if the court president finds that the head of a department performed successfully or exceptionally successfully in their position, in accordance with the Criteria for Evaluating the Performance of Court Presidents and Heads of Court Departments in Bosnia and Herzegovina.

It is not recommended to be extending the mandate without repeating the appointment procedure, in line with this paragraph, more than three times consecutively.

In any case it is recommended for court presidents to conduct the appointment procedure for heads of court departments at least once every four years.

Removal of heads of court departments, before the expiry of their mandate, is possible in cases when heads of departments seriously violate their duties, have been subject to disciplinary measures, and if they personally request to be relieved of duties.

2.6. Quotas for heads of department

Heads of court departments will have performance targets (the quota for the type of cases they are assigned to), in accordance with the Book of Rules on Framework Measurements for Judges and Legal Officers in Courts in Bosnia and Herzegovina².

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Sarajevo, 20/12/2018

President

Milan Tegeltija

² "Official Gazette of BiH" No. 2/14, 8/14, 2/16, 7/16, 56/16, 25/17)

3. Attachments:

3.1. Attachment 1 - Skills required for heads of court department

Reference: Section 2.1 of the Guidelines (Profile of the Head of Department)

Heads of departments will have the following skills:

1. Communication skills:

The head of a department is able to convey ideas, conclusions and information from the meeting with president, orally as well as in writing, in a clear way and is able to share knowledge and agree with the judges on the implementation of conclusions, guidelines and attitudes and draw their attention and to call them to account, with regards to their uniform application of the adopted positions, their attitude to parties, work results, processing of cases, cooperation with other courts and colleagues, etc.

The head of a department:

- ✓ recognizes problems and views of others about the current problems and responds in an adequate way to their attitudes and opinions;
- ✓ shows sensitivity, flexibility, authority, stability and adapts his/her own reaction to others, is fair in cooperation with his/her colleagues.

2. Cooperation:

The head of a department:

- ✓ has attention for others, notices the need for support by others and offers this support;
- ✓ stimulates an effective cooperation, invests in good relationships, lets the goals of the court or the judiciary prevail over one's own interest, appreciates the contribution of his/her colleagues, asks questions and gives advice, invited or not;
- ✓ improves the team performance by stimulating others to share knowledge, to make connection between him/herself and the other members of the team, to make contributions to the team, to help colleagues and to give feedback;
- ✓ is perceptive to feedback and comments of others;

The head of a department shows his /her capability to work together with other heads of department in order to achieve the determined goals of the court together and in an effective way.

3. Focus on results and innovation:

The head of a department shows firmness in realising improvements in the process of administration of justice and contributes to the achievement of the goals of the organisation, results and innovation.

The head of a department:

- ✓ has skills in developing new ideas and concepts and is able to communicate those ideas in a convincing way;
- ✓ makes use of chances to improve, change or modify working processes;
- ✓ creates support for implementation of improvements and for professionalization

of developments, processes and systems.

4. Unifying leadership

The head of department is responsible for managing the department in order to achieve the established goals in terms of quality and quantity.

The head of a department:

- ✓ is capable of persuading the team to go along with changes and developments and to motivate, to stimulate and to make them enthusiastic;
- ✓ organises a decision making process in which every member of the team is able to give a contribution;
- ✓ stimulates mutual cooperation and creates an open and safe atmosphere in the team;
- ✓ creates a team culture in which collegial responsibility, cooperation and trust are core values;
- ✓ stimulates the member of the team to share knowledge with each other;
- ✓ develops collective responsibility, encourages peer-review and self-criticism in cases when a judge fails to comply with the adopted attitudes or there are complaints about his/her work, poor quality /quantity of work, etc.

The head of department manages the individual judges in the team in a way in order to achieve team goal as well as individual goals.

The head of a department:

- ✓ expresses his/her expectations about the performance of the judge and the results to be achieved and makes agreements in this respect taking into account the domain of the independent judge;
- ✓ gives feedback on the performance, the achieved results and the personal development of the judge;
- ✓ knows how to motivate the judge to take responsibility for his/her own development and stimulates and coaches the judge;
- ✓ stimulates others to learn from experiences and gives room to learn from making mistakes;
- ✓ Implements activities set out in the Criteria for Evaluating the Performance of Court Presidents and Heads of Court Departments in Bosnia and Herzegovina, for the purpose of evaluating the performance of judges by the court president;
- ✓ conducts regularly a performance discussion with all the judges in the team.

5. Attitude towards environment and society:

The head of department shows interest in the environment of the court and in society. He recognises the needs and chances in society and takes action from the perspective of his/her own team or the organisation. The head of department conveys the core values of the Court and the policies of the Court president.

The head of department enters into conversation with others, respects ideas and views of others and stimulates an open discussion about all sorts of topics, in particular the core values of the judiciary, like independence, integrity, impartiality and public trust in the judiciary.

6. Proactive attitude:

The head of department shows a proactive attitude in his thoughts and actions.

The head of a department:

- ✓ does not wait, but takes action right away, with the aim of improving the work of the court and takes initiative to propose conclusions and ideas in that direction;
- ✓ is capable to identify problems and impediments at an early stage and address them efficiently;
- ✓ anticipates on chances and possibilities;
- ✓ invents alternative solutions to achieve goals;
- ✓ takes the lead to realize ideas and decisions.

3.2. Attachment 2 - Questionnaire for conducting anonymous poll

Reference: Section 2.3. of the Guidelines (“Opinion of judges of the court department”)

In order to obtain as honest and open answers as possible, it is recommended to conduct the poll as an online anonymous poll, by placing the below questionnaire on the internet using the adequate tools, such as Google Forms, which enables automatic saving of collected data, simple filling out of the questionnaire, and are user-friendly.

Questionnaire for conducting anonymous poll:

▪ **Question No. 1a**

Name the person you propose to be the head of department.

**The first column must contain the first and last names of all candidates, who submitted the complete applications for the position of the head of a department, and meet the requirements specified in Section 2.1 of the Guidelines.*

▪ **Question No. 1b**

Write the first and last name of the person you propose to be the head of department

**This question is only included exceptionally as an alternative to Question 1a, in cases described in Section 2.4 paragraphs 3 and 4 of the Guidelines.*

▪ **Question No. 2**

What qualities does the person you recommend to be head of department possess? (Multiple choices are possible)

Motivation to improve the work of the department	
Accountability	
Responsibility	
Above average quality of work as a judge	

Communication skills:	
Ability to enable conditions for personal and professional development of colleagues	
Willingness to commend or criticise colleagues	
Ability to share knowledge and experience	
Consultations with colleagues when working on cases	
Other:	

▪ **Question No. 3**

Use your own judgment to rank the areas which you think a head of a department should focus on (5 being the highest and 1 the lowest score).

Managing and organising the work of the court department	
Making sure that the tasks of the department are performed lawfully and promptly	
Scheduling and chairing department meetings	
Proposing to court president presiding judges, the composition of and plans for the work of judicial panels;	
Monitoring and analysing the situation with different case categories and compiling periodic reports on the number and type of incoming cases, ongoing cases, completed and pending cases, as well as the manner of case completion	
Monitoring the implementation of backlog reduction plans;	
Monitoring the performance quality of the judges in the department;	
Monitoring the timeliness of judges in the department, especially their compliance with deadlines;	
Keeping track of the amendments to legislation and case law from higher instances and sharing them with the judges	
Monitoring for case law consistency between the judges and panels	
Proposing measures for better quality, efficiency and promptness of the Department	
Monitoring the application of laws and other regulations and proposing initiatives for their amendment to the court president	
Initiating the procurement of legal publications/literature	
Proposing training topics for judges, legal associates and trainees	
Consultations with colleagues when working on cases	
Consolidation of conducting court proceedings	
Sharing knowledge and experience	
Setting and achieving group targets for the work of department	
Improving relationships	
Advocating for the position and interests of the department before the Court Administration in order to improve the work	
Developing team work within the department	
Monitoring the department's performance results	
Talking to colleagues within the department bearing in mind the proper annual performance evaluation for judges	