

answer the questions. At the same time, this book offers a good case for Freedom of Information; the debate has been sharpened and refined by the material released, and history is the better for it.

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**Judicial Administration in Canada.** PERRY S. MILLAR and CARL BAAR. Kingston: McGill-Queen's University Press for the Institute of Public Administration of Canada, 1981. Canadian Public Administration Series. xxiii, 452 p. ISBN 0-7735-0367-6 \$22.50.

At first sight both the title and physical size of this book bring on promises of sleep that would delight an insomniac. This first impression, however, is misleading; between the covers of this book lies a radical proposition for improving the administration of justice in Canada. Although some may not consider judicial administration stimulating, Millar and Baar's enthusiasm for the subject is transmitted clearly to the reader. Beyond any strictly professional interest archivists may have in the sections concerning court records management, this book is of general interest to those who are concerned with the quality of justice in our society.

Millar and Baar propose a reformation of judicial administration in Canada. They begin with a description of current problems in the judicial system which both distort the nature of justice and prevent improvement. In judicial administration, there is the growth of the now ubiquitous "plea bargaining" arising from massive case backlogs in the courts; in courts administration, there is the varying quality and competence of court staff, which are either acquired through political patronage or tied to rigid and inequitable civil service classifications; and finally, there is the ever-present confusion between judges and executive departments over the "demarcation line" between judicial and administrative responsibility and authority. Reforming the justice system can take three approaches: the sociological-philosophical approach aims at substantive changes in the law and the legal process; the structural approach, which as its name implies, focuses on reorganizing the structure of the courts and their administration; and the managerial reform approach which attempts to introduce modern management techniques in judicial administration. Millar and Baar propose the latter. They are primarily concerned with how managerial reform in judicial administration can be accomplished and, specifically, with the development of a management philosophy in the judicial system.

Before discussing their proposals for managerial reform, Millar and Baar make a careful distinction between courts administration and judicial administration. Courts administration refers to the support services supplied to the judges by Ministries of the Attorneys General; judicial administration has a wider significance which includes court services as well as the judiciary's responsibility for court caseload and overall court policy. Unlike the United States, where court administration has always been the sole responsibility of the judges, in Canada there is a division of administrative responsibility between provincial Attorneys General and the judiciary. In the critical area of caseload management, which has reached crisis

proportions, this separation of administrative authority frustrates any attempt at reform. Logically, the solution is to unite these administrative functions under one authority. It is here that Millar and Baar propose a radical change in the administration of justice; they recommend the adoption of the American system of administration by the judiciary. For this to be successful, however, Canadian judges must first accept the necessity to become managers as well as judges. It is within the context of this proposal that Millar and Baar proceed to deal with management reform.

Much of the material in the book is beyond the competence of this reviewer to assess critically. Part I discusses the issues surrounding judicial administration from the application of organization and systems theory to court management and the problematic constitutional setting for judicial administration to a discussion of the principal proposals for court reorganization and the role and function of the new court administrator as the essential link in modern court management. The book deals with material on more familiar ground in the more technical chapters of Part II, specifically the chapter on records management. This is included with chapters on personnel management, budgeting, caseload management, paper flow, and information systems and computer technology. Records management is considered by Millar and Baar to be of central importance to the success or failure of the court reform proposal in their work. Without a successful records programme, reform efforts will be dissipated in an "ever mounting morass of paper." For those of us who take an interest in such details, Millar and Baar place the provincial archivist at the top of the list of government personnel who must be involved in implementing a successful records programme (p. 247). If there is any problem with this chapter, it is a minor one: the information on records management in Ontario is out-of-date and may be for other provinces as well. This, of course, does not have much relevance for the book as a whole and is understandable given that the major job of research and writing this volume was completed five years ago. The last section, Part III, focuses on how a large and complex organization like the court system deals with and brings on change. In particular, the authors discuss the British Columbia Justice Development Commission in what is essentially a case study of one attempt at massive judicial administrative reform begun in 1973. Whether the reform has been successful remains to be seen. As Millar and Baar point out, success is not immediate and the system itself is undergoing constant change. While there have been some problems with reform, they can point to some administrative successes. Perhaps the best judges of these reforms are British Columbians themselves.

Despite the brevity of this review, this is an important book. It is obviously designed as a textbook for the emerging profession of court administrators being trained now in university judicial administration programmes. Furthermore, the ultimate goal of the book's proposals is what we all hope for in our system of justice — that justice will be done according to the laws of the land. Although we may disagree over whether the legal system itself or specific laws are just, we can all agree with Millar and Baar that justice must not be hindered by an out-dated and overloaded judicial system or by court reform which makes efficiency rather than justice its final end.

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