

Knowledge Management and Creation of Potentials of the Court of Justice in Specialized Court

For trial of complicated and unique cases, a court with special jurisdiction called “specialized court” has been established with an objective of emphasis on special procedures which are different from other courts of justice; for example, provision of judges who have particular knowledge and understanding on such matters, or flexible management system to support speedy, convenient and fair trial of cases. At present, there are 4 specialized courts consisting of the Labour Court, Tax Court, the Intellectual Property and International Trade Court and the Central Bankruptcy Court. However, there is another court which is regarded as a special court, i.e., the Juvenile and Family Court, because of having special proceedings; therefore, “Specialized Court” hereunder is defined as the court which has special characteristics and proceedings, and the scope of research shall include such specialized courts and special court, totally 5 courts.

According to the research result, it was found that, in practice, these specialized courts still had difficulties in operation such as:

- 1) Personnel: Regarding the selection of judge trainees and judges to assume the office, at present, general system of judge selection has still been used with an emphasis on the seniority system rather than taking account of knowledge and specialty; as a result, qualifications of judges were not related to the complexity of specialized cases which are different from normal and general cases.
- 2) Qualifications and necessity of associate judges for trial.
- 3) Regarding the development of knowledge of judges, associate judges and personnel of specialized courts, there is no clear and continuous system.
- 4) Management: The term in office of executives and judges in specialized courts is not long enough for enhancement and continuous development of specialized knowledge.
- 5) Information Management: The management of knowledge and information system is incomplete and unsystematic and lacking the regular updates of information.
- 6) Integration: Lack of full and systematic cooperation between specialized courts and other related organizations.

However, for progressive operation of specialized courts, it is essential to clearly prescribe roles and responsibilities for mission of related organizations including the Judicial Administration Commission (JAC) in determining the organizational structure of specialized courts which have their main roles of amendment and issuing of Acts, Royal Decrees, related regulations or announcements, consideration and allocation of budgets, management of premises, materials, equipment and facilities, including personnel acting as the Judicial Commission (JC) on placement and appointment of judges in accordance with the prescribed criteria under the Act on Judicial Service of the Court of Justice B.E.2543.