

**USAID Rule of Law Program
1st Quarterly Report**

January - March 2009

**USAID Rule of Law Program
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ROLP

Rule of Law Program

Executive Summary

Building on the previous Rule of Law Project (MASAQ), the Rule of Law Program (ROLP) began operations on December 1, 2008. This report covers the period of December 2008 –March 2009. Henceforth quarterly reports will be submitted according to the following reporting schedule: March, June, September and December. The reports will be organized according to the ROLP objectives as described below

Objective 1: Improving judicial performance to reduce delay and increase public confidence through activities targeting the expansion of the scope of computerization in the courts and accessibility of management information to judges, litigants, and court and case managers; strengthening the use of mediation as an alternative option for dispute resolution; strengthening processes to manage cases to more expeditious disposition and to reduce backlog; reform procedural codes and support the Ministry's efforts to amend legal frameworks to further enable reforms; develop specialized judicial knowledge and skills to adjudicate special, modern case types; and strengthen the legal research capabilities of the Technical Office of the Court of Cassation .

Objective 2: Promoting an independent and empowered judiciary by assisting the MOJ and Judicial Council establish and build the capacity of administrative office to serve the Judicial Council; enhance the fair and transparent evaluation of judges; maintain the high quality and quantity of judicial education opportunities from the Judicial Institute and build its administrative capacity; and establish an electronic data base of judicial decisions of the Court of Cassation.

Objective 3: Increase public awareness of the rule of law and support the programs technical activities through a small grants program.

During the month of December and much of January the Program was primarily concerned with staff recruitment, establishment of bank accounts, registration with government entities (e.g. tax department, social security, etc.), transfer of title of commodities from MASAQ to ROLP, renewal of office leases, and other project startup administrative activities. During this time ROLP continued to sustain and support operations of the computerized systems implemented by MASAQ and the on-going educational programs at the JIJ. Additionally, procurement for programming services was completed and task orders issued against it for enhancements to MIZANv2 and development of the Notification management system (NMS).

A first year work plan was developed and submitted to USAID outlining the activities and schedule of work to be performed by the Program for 2009. The work plan was developed with input from USN consultants representing the key objective areas of case management, mediation, and court administration.

The IT team provided on-site support for MIZAN v2 in courts, court departments, and data center throughout this quarter. MOJ information technology staff participated in a customized 10-day study tour to Pennsylvania State Courts, other judicial institutions and professional call centers. Establishing similar call centers for the MOJ will allow the ministry assume greater responsibility for the support of MIZAN and reduce its reliance on ROLP technical staff support.

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The ROLP Mediation and Case Management teams conducted statistical studies to establish baseline performance information on the mediation and case management programs in the courts. This information will be put into developing work plans for these two Program activities, which will lead to conducting an in-depth study to evaluate the status of the current systems and recommend improvements.

The legal and IT teams implemented the new Notification Management System in seven court locations in Amman and Madaba. The teams introduced the Notifiers to the new system, its benefits, usage, as well as providing one-on-one training, and supervising the startup of the system and new procedures.

During this quarter, the Program had several meetings with the newly appointed Chief Justice, Judge Ismael Al Omari, to introduce him to the previous Rule of Law Project's achievements, and the objectives of the new ROLP. The Program will conduct a study tour for seven members of the JC later in April to introduce them to functions of the California Judicial System including mediation programs, case management, court administrators, judicial councils and their administrative offices, and the federal prosecutor's organization and legal framework.

Consultants William Davis and Laurel Beeler visited Jordan in March and met with the Minister of Justice to provide information to him concerning the organizational structure and legal framework of the Federal Prosecutor's office. Mr. Davis also met with the Judicial Council to prepare them for the US study tour.

Second year students at the Judicial Studies Diploma Program participated in in-court and in-prosecution department trainings and a moot court class. They also participated in various extracurricular activities to enhance their skills, including communications skills. The Future Judges Fund announced its second round of legal M.A. scholarships to law graduates in all daily newspapers. The continuing legal education program trained 408 judges and prosecutors and 995 court staff in the South, Middle and North of Jordan. The Program seconded an assistant director for administrative affairs, and helped the JIJ implement phase one of the MOJ's new organization structure plan that is designed to enhance the Institute's administrative capacity.

Objective 1: Enhance Judicial Performance to Reduce Delays and Increase Public Confidence

Case Management

During this quarter, the ROLP cooperated with the Ministry of Justice on developing Case Management Departments using the concept of early and continuous judicial control over cases. This effort reflects the will of the Ministry of Justice (MOJ) to change the current model to one in which every trial judge manages his or her own cases with strong administrative support. As a first step towards achieving this goal, the program invited Judge Joseph Traficanti, expert US consultant, to join the program to conduct analysis and prepare recommendations for strengthening the Ministry's case management program in Jordanian courts. In January Judge Traficanti attended several meetings with court and justice officials. The consultancy:

- Defined the current status quo and identified areas of deficiency.
- Formulated objectives and expected outcomes of an organized program of activities designed to strengthen judicial case management and; developed a comprehensive work plan that will guide the work of the ROLP in mediation strengthening.

Throughout March, based on Judge Traficanti's recommendations and as requested by Judge Muhammed Nasser (Head of Case Management and Mediation Department), the legal team initiated a study compiling all statistics related to the Case Management and Mediation Department. This was followed by conducting a comprehensive evaluation study of the current system. Initial screening of those statistics revealed confusion in regards to the interpretation of the law using the Case Management System, MIZAN.

The Program and the Ministry agreed to create a procedural manual to coalesce all the procedures in the Case Management Departments throughout the Kingdom, thus eliminating any ambiguity regarding the procedures and the implementation of the law. Based on MOJ recommendations, the Program will work with Judges Mohammed Nasser and Walid Kanakrieh to develop this manual in close cooperation with all Case Management Judges. An initial date for the meeting with CM judges is set for April 14th, pending approval from the Judicial Council.

At the same time, ROLP will cooperate with the Ministry to hold a special training session for Case Management clerks to help them learn the method for data entry to ensure they avoid mistakes that would affect work procedures and progress. The training will take place on April 1st and will include Case Management Departments at the Palace of Justice and the North, South, West and East Amman courts.

Meanwhile, DPK is identifying German and Austrian expert consultants with relevant expertise to contribute to a 'white paper' on Case Management Models (both US and European) as input into future MOJ civil procedures law amendments and to define a strategy for case management in Jordanian courts.

Court Administration Systems

Throughout this quarter, as a follow-up on MASAQ's activities to build the capacities and automate the Execution Department, the ROLP team implemented a queuing system to regulate the inflow of department's users. It also helped execution staff organize their shelves according to file year and serial number, replacing the previous disorderly filing scheme. ROLP and Optimiza – the IT vendor company developing Mizan applications for the courts – worked together to develop the Execution variant of Mizan, which will be launched in August 2009.

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In cooperation with the Ministry of Justice, the ROLP implemented the Auto Judge Assignment function in West, North, South and East Amman courts as well as Zarqa's court. The Auto Assignment function enables the system to assign cases to judges randomly instead of manual assignment by clerks. The goal is increased efficiency of case registration, enhanced transparency and improved litigant confidence in the judicial system.

During this quarter, ROLP initiated activities to develop the institutional framework for court administration. The ROLP and court counterparts defined roles and responsibilities of court administrators and their relation to the chief judge, MOJ and administrative staff in courts. Up until last year, chief judges were responsible for managing every aspect of the courts affairs, including administrative functions. It became evident that providing administrative support was necessary. This was particularly clear in regards to court automation and the increasing complexity of the cases being processed in courts.

Early in the quarter, ROLP contracted International consultant, Moira Rowley, expert US consultant for court administration, operations, business process improvement and technology, to help develop the Program's court administration system and its upcoming activities for the first year of the project. The consultancy:

- Defined the current status quo and identified areas of deficiency.
- Reviewed the organizational structure and job descriptions of Jordanian courts proposed by the previous EU-funded project, and endorsed by the MOJ and identified required activities related to this.
- Reviewed the training plan and training materials of the EU-designed court administration training program to identify requirements for additional training and provided input to a planned curriculum development consultancy.
- Formulated objectives and expected outcomes of an organized program of activities designed to enhance court administration and administrative procedures and; developed a comprehensive work plan that will guide the work of the ROLP over the next few years to enhance court administration and institutionalize best practices in the day-to-day work of courts.

In February, consultant Moira Rowley and Judge Joseph Traficanti conducted a workshop to introduce court administration concepts and best practices as applied in US courts. The workshop included role-playing to help participants understand the cooperative relation between the Court Administrator and Chief Judge.

In March, three U.S national consultants have been working with ROLP on several tasks related to court administration. Judge Loraine Arkfeld has been working with Jordanian judges and court administrators to formulate and define the roles and responsibilities of court administrators. Court administrator, Tom Brady has been drafting a practice guide for court administration. Moira Rowley, Court Administrator and Court Processes expert has been designing and putting into place an assessment and selection criteria for court administrators in Jordan and evaluating their training needs.

The three international consultants arrived to Jordan in late March and will be working together throughout April to:

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1. Review existing literature on court administration programs and plans in Jordan.
2. Review the draft job description prepared by the EU project and suggests amendments based on interviews and workshop results.
3. Conduct meetings with chief judges and MOJ officials to solicit their views regarding the role, authority and scope of responsibility of a court administrator and optimal work mechanism and reporting/communication channels.
4. Hold meetings with appointed court administrators and conduct field visits to courts to review current work processes and authorities of court administrators.
5. Design a 2-day workshop for chief judges and court administrators to:
 - a. Identify and build a common understanding with regard to the roles and responsibilities of court administrators.
 - b. Discuss and identify the main components of operational and day-to-day practices of court administrators that will be used as key input into design the Practice Guide

ROLP will be holding a two-day workshop at the Dead Sea starting April 10th. The objective of the workshop will be to work with court administrators and chief judges to define the court administrator's roles as well as address the issues and reservations chief judges have about this newly created position. During the workshop, participants will develop a first draft of a practice guide for court administration.

Technology Systems

The automation team provided follow up services to the courts on the case automation software Mizan v1 and v2. This involved cooperation with the Ministry of Justice's IT Directorate staff, to enable them to understand Mizan's functionality. The IT team also worked with the Quality Assurance, Clerk and Typist staff to ensure the accurate and timely entry of data into the system.

In February, the ROLP IT team installed Mizan V2 at the MOJ's newly established courts in Fagou and Badeyeh Shamaleyeh. The two courts now operate in a standalone configuration until the ministry installs the WAN connections, enabling them to join the Kingdom-wide network.

The program continued its support of the Ministry in its operation and maintenance of the Judicial Enterprise Architecture. It seconded two staff members to the MOJ to assist with activities, ensure smooth operations of the systems and plans, and implement necessary changes to any production system. Meanwhile, the IT team tackled virus issues at NPOJ and put into place a new computer policy to prevent the spread of viruses and limiting access to NPOJ servers to authorized personnel only, within the data center and at all production court locations.

During this quarter, the ROLP piloted the Notification Management System (NMS) in Na'ur and West Amman Courts before rolling it out to additional five courts in Amman, namely Sahab, Muwaqqar, Jeezah, Dhiban and South Amman. The NMS improves processing notifications between courts and departments in different locations, provides accurate statistical reports on work progress and reduces delays related to inefficient practices, making the system more responsive to the needs of the courts.

In March, the ROLP conducted an IT study tour in which three MOJ information technology staff and two ROLP staff members participated in a customized study tour for a 10-day period in various cities in the Northeast of the United States. The tour which started on March 22nd was designed to provide a unique and enriching experience combining visits to Pennsylvania State

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Courts, other judicial institutions and professional call centers supporting other organizations reliant on large applications and timely support capabilities. The visits gave the MOJ's technical leaders an opportunity to examine, compare and contrast the various strategies and systems to be adapted or adopted to create professional call centers. Establishing similar call centers for the MOJ will allow the ministry assume greater responsibility for the support of Mizan and reduce its reliance on ROLP technical staff support. This tour will also help the MOJ make decisions pertinent to technical issues related to its future IT requirements.

Reform Procedural Codes

The Ministry of Justice has formed a committee to recommend amendments to the Civil Procedures Code. The amendments aim at improving the efficiency of the civil proceedings to reduce the workload of courts, improve the notification of legal proceedings and provide a viable legal framework for case management. The ROLP reviewed the committee's recommendations and submitted them to the MOJ. Among the suggestions was the idea of empowering judges to compel mandatory mediation sessions as well as amending articles concerned with appeals to reduce the workload of appellate courts. The recommendations were based on reports put together by international consultants Joseph Bellipanni and David Chavkin.

In cooperation with the It Department of Justice Attaché in the Cairo Embassy and in response to a request from the Minister of Justice, ROLP hosted a USN Federal Prosecutor in Jordan to provide information to the Minister and his efforts to reform laws and procedural codes related to the structure and underlying statutory framework of the Jordanian attorney general and prosecutor's office. Ms. Beeler met with Minister Odeh on two occasions; with the chief prosecutor and conducted a lecture and Q&A in the JIJ to a group of judges serving as attorney generals and prosecutors. She also developed delivered to the Minister a document describing the structure of the US federal prosecutor's office and the statutes that establish and define the federal prosecutor's office.

ROLP assisted the Ministry of Justice create a committee consisting of legal and IT members to recommend solutions for fines cases. The MOJ and ROLP have decided to start working with the Ministry of Industry and Trade (MIT) on the issue of fines collection. The ROLP proposed a program design that will enable data transfer between the MOJ and MIT. At the moment, there is no network connection between the two ministries and this program design will create such a connection. The collection of fines will be allowed through the MIT and the Conciliation Courts. The program will facilitate the transfer of data related to violation cases and payment of fines, whereby the system will directly inform the MIT and court that the minimum base fine of a case has been collected, and then the court will drop the specific violation case.

Prior to implementation, the MOJ needs to amend an existing law on Industry and Trade, which is concerned with monitoring the market, controlling merchandising and pricing and empowering the MIT to stop violations of the law. ROLP had a meeting with the MIT and presented a modification to the existing law on industry and trade. The amendment allows the payment of a minimum base fine imposed by the law, within a grace period of 30 days. If the minimum payment is not submitted within the grace period, the case will be referred to the conciliation court, which shall penalize the merchant. The ROLP will follow up with the directorate of legal affairs at the MIT on finalizing the draft, amending the law and sending it to the Council of Ministers.

Developing the Capacity of the MOJ and the Court of Cassation

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The ROLP seconded two legal consultants to support research and legislative capacity building in the MOJ. During this quarter, the legislative affairs advisor director provided his legal expertise on 20 consultancies as well as more than 12 draft laws and regulations sent to the ministry for review. These draft laws and regulations tackled diverse issues including amending environmental regulations, childcare services organizations, energy law drafts, Social Security regulations and an amended draft for penal law. The advisor also attended a number of meetings, seminars and workshops held by civil society organizations, ministries and international partners.

Mediation as an Alternative to Court Proceedings

In January, international consultant, Lynn Cole Esq., a dispute resolution professional with experience in mediation and arbitration, joined the ROLP legal team to help develop its mediation systems' work plans and its activities for the first year. During her work with the ROLP, Ms. Cole attended a series of meetings with justice and court officials to identify their needs, define priorities and give recommendations on the Program's activities. The consultancy:

- Defined the current status quo and identified areas of deficiency.
- Formulated objectives and expected outcomes of an organized program of activities designed to expand the use of ADR mechanisms and; developed a comprehensive work plan that will guide the work of the ROLP in mediation strengthening.

The MOJ expressed its intention to expand mediation to four additional courts, including Salt, Aqaba, Kerak and Irbid in cooperation with the ROLP. As a first step, the program will use the services of Osama Safa, a Lebanese expert in mediation, who previously participated in training for judges on mediation, and will be conducting basic mediation training for 20 Jordanian judges from May 3rd to May 8th.

During this quarter, the ROLP legal team assembled and presented statistics from mediation departments to Judge Mohammed Nasser, head of the ADR section at the MOJ. Judge Nasser will prepare a report using those statistics to evaluate the progress made in those departments. The evaluation will be based on comparing statistics from both 2008 and 2009, to observe the progress made within the mediation departments and identify areas needing improvement.

ROLP Staff assisted Judge Muhammed Nasser prepare a presentation on mediation in general and on mediation in Jordan specifically. It is to be presented at the Bahrain Mediation Conference, organized by Bahrain's Ministry of Justice, the International Center for Dispute Resolution (ICDR) and the American Arbitration Association (AAA).

Objective 2: Promote an Independent and Empowered Judiciary While Increasing Its Transparency and Accountability

Capacity and Transparency of the JC

Judge and international consultant Joseph Traficanti joined the ROLP team in January to provide his expertise in the area of capacity building of the Judicial Council (JC). USAID and ROLP representatives and Judge Traficanti met with the recently appointed Chief Justice, Judge Ismael Al Omari, in a preliminary meeting to pave the way for future cooperation. At the same time, ROLP held introductory meetings with the new Chief Justice to introduce him to the ROLP program and the impacts to the courts and judiciary of the former MASAQ program.

In March, international consultant William Davis visited Jordan and met with the Judicial Council to familiarize them on April's Chief Justice Study Tour to the US. The tour is organized by the ROLP and will provide the opportunity for the Chief of Justice of Jordan, seven of his Jordanian

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Judicial Council designates and one ROLP Third Country National staff member to participate in a customized study tour for a seven-day period in San Francisco, California from April 18th - April 25th, 2009. The program will combine visits to the US Supreme Court, the Administrative Office of the US Courts, Washington DC Superior Courts, USAID Headquarters, the California Supreme Court, the 9th Circuit Federal Court, the San Francisco Prosecutor's Office, the California State Judicial Council, the DPK Consulting Headquarters, and other judicial institutions which relate to Judges' education and affairs.

Judicial Studies Diploma Program

The JIJ's 2008-2009 class finished its first semester. During the semester, the students were engaged in many extra curricular activities, including English and French language proficiency courses and computer skills training. Through the Future Judges Program, the MOJ provided each student with laptop computers to enhance their computer and research skills.

Meanwhile, the 2007-2008 class finished their third semester; they will start their fourth and last semester in February. During their final semester, they will attain internships at different courts and prosecution departments, train in moot courts and learn judicial competencies. Additionally, as a graduation pre-requisite, each student will be assigned a legal topic, on which he or she will conduct a research paper under the direct supervision of an assigned research supervisor, who will be selected by the JIJ from an external pool of experts.

The 2008-2009 class began their second semester at JIJ. The 2007-2008 class started its fourth and final semester, and is now getting training before different courts and prosecution departments. The students also started their six hours of weekly training in moot court class, which takes place at the NPOJ.

The class of 2007-2008 participated in a weeklong extra curricular training program that involved a variety of topics, among them: the Judiciary and the media, judicial ethics and communication skills. The training was carried out by a group of seven judges who participated in a Training of Trainers (TOT) program.

The ministry formed a committee to review the Judicial Studies Program curriculum, provide recommendations on amending and updating the curriculum and review the Faculty Regulations and JIJ bylaws. The ROLP identified two short-term local consultants who will sit as committee members and contribute to reviewing the Diploma Program curriculum. The two consultants will provide their expertise in the area of curriculum development and clinical education. Once finished, the committee will submit the outcome of its work to the Board of Directors for review and approval.

The Future Judges Program

First Track – Following a nation-wide competition, the Future Judges Program awarded 51 high school graduates, including 26 females and 25 males, scholarships to attend law school at Jordan University. Those students successfully finished their first semester in January, and used the break to visit institutions such as the courts, the financial market and the crime laboratory as part of an extra curricular program implemented by JIJ.

Second Track - 21 top law school students, comprised of 16 females and 5 males, continued with the Future Judges Program during the break by attending the extra curricular program designed

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by the JIJ. The students were selected in August last year to benefit from the scholarship program, which covers their tuition expenses at local universities in exchange for a future commitment to enrolling in the JIJ's Judicial Studies Diploma Program.

Third Track – 23 law graduates applied for the new round of Master degree scholarships, which the MOJ announced during this quarter. Those applicants will undergo the selection interview scheduled to take place next month. The previous round of MA selectees included 12 top law school graduates, including nine females and three males, who are now continuing their postgraduate studies in the UK. The Future Judges Fund awarded the students scholarships late last year, in exchange for a commitment to join the JIJ's Judicial Studies Diploma Program before joining the Judiciary as highly educated and qualified judges.

Continuing Legal Education Program

During March, the JIJ offered six continuing judicial education programs in which 148 judges and prosecutors, including 50 female judges participated. These programs were:

- Leadership (Central)
- HR management (Central)
- New Amendments to the Conciliation Courts Law (South and Central)
- Juvenile Justice (Central)
- Attorney General Work in the US (Central)
- Case Management (Central, North)

The JIJ held 22 courses for 485 court staff, including 57 females, which included:

- Computer Skills for Notifiers (Central , North)
- New Court Staff Orientation (Central, North, South)
- Governmental Accounting (Central)
- Newly Appointed Notary Public Officers (Central , North)
- Newly Appointed Judgments' Execution Officers (Central , North)

Number of JIJ CLE participants				
	December	January	February	March
Judges/Prosecutors	8	207	45	148
Court Staff	127	104	301	463
TOTAL	136	311	346	610

Throughout this quarter, the JIJ held two training courses for Palestinian judges. The first course was a 14-day training program for 40 Palestinian judges. The institute held another 12-day training program in which nine Palestinian military judges participated. Those programs are part of the JIJ's continued cooperation with the Palestinian Authority and Judicial Council.

In addition to technical assistance, the ROLP legal education team cooperated with the JIJ on expanding the scope of training programs through coordination with international and local agencies. These agencies include the US Environmental Protection Agency, Ministry of Environment as well as the German Institute for International Legal Cooperation. The German Institute held a two-day program during the month of March in which 19 judges participated.

Career Development Plans Outlined

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Initial approval was granted by the judicial council for the Career Plans for Conciliation Court judges and prosecutors. However, the Career Plan implementation awaits final approval of the Judicial Council.

Strengthened Administrative Capacity

The JIJ is now implementing the first phase of its new organizational structure, by hiring new staff members. The ROLP extended the secondment of Mr. Raed Haddadin, previously seconded by the United Nations Development Program (UNDP). The new hiring is part of the JIJ's effort to meet the increasing demand of tasks generated by its ambitious work plan.

Miscellaneous

Communications and Public Relations

Kamal Mirza, ROLP Communication Specialist serving as a seconded staff to the MOJ, resigned from the project in February to pursue his MA degree and other professional opportunities. Mr. Mirza's tenure continued from the previous Rule of Law (MASAQ) as a seconded consultant to the MOJ to build its communications directorate's capacities. He was largely involved in developing and implementing communication and PR plans and activities, including developing policies and guide manuals to MOJ staff on diverse communications issues including handling media, writing press releases and news articles, publications and pamphlets. He was also part of the team that initiated and managed the MOJ, JIJ and JC websites.

ROLP Financial and Administrative Issues

The Rule of Law Program employed a new Finance and Administration Manager on January 20th, 2009 to manage the financial and administrative department. In addition the project hired a new Assistant Admin Manager who started working on January 19th. Throughout the quarter the administration and finance team has been reviewing the procurement rules and regulations to establish in-house guidelines for procurement according to the USAID Regulations.

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DATES	NO. OF DAYS	COURSE / ACTIVITY	IMPACTED ENTITY	LOCATION	RESOURCES
Objective 1: Enhance Judicial Performance To Reduce Delays And Increase Public Confidence					
1/ 4	1	Case Management Data entry	Case Management	NPOJ	ROLP/ MOJ
10-11 April	2	Court Administration- Roles and Issues	Court administrators and chief judges	Kempinski-Dead Sea	ROLP/ MOJ
1-2/4/09	2	Amendments to the Conciliation Courts Law of 2008	First Instance and Conciliation Courts Judges	Irbid	JIJ
18-19/4/09	2	Leadership Skills and Teaching through mentoring	Female Judges	Amman	JIJ / Arab Woman Forum
4/4/09	1	New Staff Orientation	Newly Hired Court Staff	Amman	JIJ/MOJ
11/4/09	1			Irbid	
5-9/4/09	5	Computer Skills for Notifiers	Court Notifiers	Amman	JIJ/MOJ
12-16/4/09	5			Irbid	
4/4/09	1	Newly Hired Notary Publics	Newly Hired Legal Staff	Aqaba	JIJ/MOJ
18/4/09	1	Governmental Accounting	Newly Hired Accountants	Irbid	JIJ/MOJ

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Acronyms

CMM	Case Management and Mediation
ITD	Information Technology Directorate
JC	Judicial Council
JIJ	Judicial Institute of Jordan
MIZAN	Automated case file management system tailor-made for Jordan courts and supporting departments. MIZAN V2 is the enhanced automated version of MIZAN V1; it will replaced MIZAN V1 in all national courts in Jordan.
MOJ	Ministry of Justice
ROLP	Rule of Law Program