

REPORT TO ROLP

ROLE AND FUNCTION OF JUDICIAL INSPECTION IN JORDAN  
RESULTS OF SEMINAR ON JUDICIAL INSPECTION MARCH 21013

WILLIAM E DAVIS  
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## Background

The U.S. government through U.S.AID has been supporting the modernization of the Jordanian judicial system for nearly 10 years. These efforts are a part of larger initiative to fortify and strengthen democratic institutional development in Jordan. The judicial modernization effort began with a focus on developing a modern transparent automation system throughout the Kingdom.

The project activities extended in to the Judicial Training Institute, preparing new judge applicants, training of existing judges, organizing offices for the Judicial Council, improving the operations of the Ministry of Justice. An early priority was the establishment of financial judicial independence for the judiciary outside the Ministry of Justice.

During this period the constant rotation of leadership at the level of Minister of Justice and Chief Justice has impaired the continuity of the project activities. In addition, as one head of office came in and cancelled out the decision of the predecessor, the institutional fragility of the Jordanian judicial system became increasingly apparent. It is a though there is design to maintain the system in weakened state and impede the development of strong institutions.

Efforts to modernize and build transparent systems of governance are challenged by this highly volatile political system. The judiciary will a separate entity does not enjoy the traditional independence as is called for by international standards. The judiciary is dependent on the Ministry of Justice for the management of the judicial system. The policy making body of the judiciary, the Judicial Council, is confined to judicial appointments, promotions. Since 2011, there has been a request to transfer the Judicial Inspection function the Judicial Council.

Project activities have attempted to create support offices for the judicial system in the Judicial Council only to have some Chief Justices to abolish them. Outspoken judges clamoring for change have been sacked. The resistance to change and maintenance of the status quo are the dominant characteristics of the Jordanian judicial system.

There is virtually no transparency in the judicial system. The Arab Springs demands for change go largely ignored by the judicial hierarchy.

## JUDICIAL INSPECTION

The Judicial Inspection Office created by statute in 2005, Regulation (47) according to regulation 45 of the Judicial Independence Law number (15) of 2001 cites the following duties; inspect the work of the court's judges, the prosecution, the public civil attorney's assistants in addition the judgment's execution office (except those who hold high rank); Evaluate the work of judges in relation to application of the law, adherence to litigation procedures, proof of procedures, reasons for continuances, the period needed for conclusion of cases, the reasoning of the judgments, correctness of the findings etc

During the past two years there has been Annual Report from the Judicial Sector citing the activities of the Judicial Inspection Office. For example, in 2010, there were 95 sudden field visits. In addition during this period reports on 312 judges were prepared and 12,480 case files reviewed. The Inspectorate was able to dispose of 104 complaints against judges.

In the 2011 The Judicial Inspection Annual Report, the Inspection Office indicates "that its primary function is not tracking the mistakes of judges rather it is to develop and improve performance". This statement signals a profound shift of concept in the performance of this function.

The Office of Judicial Inspection stands out as the only office in the Jordanian judiciary seeking actively to improve performance of the system. The Annual Report sections pertinent to the Office of Inspection cite efforts to improve performance not merely compliance...

Historically, Judicial Inspection Offices have been mainly compliance offices. Modern organizational methods have shifted to developing and promoting and recognizing excellence, not merely compliance. The promotion of excellence in judicial systems is a concept that only recently been recognized as a worthwhile goal. Generally, courts think of themselves as doing excellent work thus there is no need to single out anyone.

## AWARDS FOR EXCELLENCE

In my experiences as Administrator of judicial systems, I searched for ways to promote excellence in the organization and delivery of justice. The most successful means we found was to create an award for excellence that could be presented each year by the Judicial Council. The Council could establish criteria for considering making the awards and the courts and individual judges could submit their own nominations for consideration.

The criteria we developed were based on demonstrating a demonstrable improvement in performance of the judicial system. Objective criteria were developed in order that the courts and judges considering submitting a nomination would be clear about what was being measured. Over the years the Judicial Council of California has developed Categories for excellence insuring the widest possible consideration are given to all those individuals serving in the judicial system. The award is for judges, entire courts, and

support staff, either individually or collectively. In addition to court program awardees, there is another category of awardees, Distinguished Service to individual who exemplify leadership strengths that have improved the administration of justice statewide.

Some examples of awardees included judge who had developed a program to support his dealing with juvenile delinquents, or speeding up the processing of cases.

For a more extensive list of awards, check the Judicial of California web site ([courts.ca.gov](http://courts.ca.gov)) for the Kelps' awards. The award was named for the first Administrative Director of Courts of California.

In my experience the awards given were merely plaques not financial incentives. The plaques are proudly displayed in the courthouse where the awardees work. A big ceremony takes place with all the dignitaries present to recognize the outstanding performances for the year.

We know in organizational terms, that people and institutions perform to the level of expectations. By establishing awards for excellence effort the judicial system is defining its standard to be one of excellence.

## JUDICIAL PRODUCTIVITY

A key element of the modernization effort for the courts of Jordan was the automation of clerical and some judicial functions. In addition to accelerating these functions, the system should produce much more reliable statistical information. A maxim in the field of gathering statistics is the longer it takes to report an event the greater the unreliability of the information. Thus, having access to automated information that is not readily manipulated for ulterior purposes should give the policy making bodies a clear insight into performance of the judicial system.

However, we see that some judges are not using the computer system; other Chief Judges are developing their statistics. The automation system was developed in the Ministry of Justice. The technical support still remains in the Ministry yet the operational implementation is with the judiciary.

The succession of Ministers of Justice and Chief Justices has left the automation system without any clear party responsible for its oversight and implementation. Traditionally, such a system would be under the Judicial Council and the Council would have staff assigned to follow up on implementation and improvements.

Since the only functioning support office is the Inspection Office, it seems highly advisable that this office include in their inspections an assessment on how the judges are implementing the use of automation to perform their duties.

Another criteria for assessment that might be included is how the Chief Judges are using the automation to keep track of performance of the judges under their supervision, In addition, they might be assessed on the reliability of the statistics emanating from their courts. By holding the Chief Judges accountable for these key performance elements, there will naturally occur a greater reliability in all information being generated thus improving the performance of the system.

It would be reasonable to anticipate that the Chief Judges may need some specialized training on these aspects of the automation system. Most advanced judicial systems have developed specialized training for Chief Judges prior to assuming their duties. When you realize that most judges have had very little exposure, if at any at all, to how manage people, how to evaluate statistics, automation, space utilization and management, case management etc.

The Inspection Office might consider developing a training program for Chief Judges currently occupying the position and for those being considered for appointment.

## COURT PERFORMANCE STANDARDS

Increasingly on a global scale there is recognition that judicial systems need to develop criteria for measuring performance and define levels of excellence to be achieved. In the past five years there has emerged an effort led by judicial officials from around the world to accomplish just that goal. The International Standards for Court Excellence center of cultivating and developing virtues in the process of administering justice.

The Standards have been developed for application in every setting. They need to be adapted to Jordan. The Standards provide a framework for a continuous improvement effort. So long as Jordan is going to experience constant change of leadership at the top of the system, it is condemned to suffer stagnation in its efforts to modernize.

If on the other hand, the Judicial Council and the Office of Inspection were to adopt as goal the implementation of these standards as the cornerstone of a continuous improvement effort, it would lay a foundation on which long term improvements could be built. This strategy may be the only way of coping with the external political forces Operating in Jordan.

Even though there may not appear to be a problem with corruption in the judiciary, it cannot be assumed there is no real problem. The most effective response to corruption is integrity. The presence of integrity as a matter of course within the judiciary will serve as a major buffer to corruption.

Developing a strategy around supporting integrity as a virtue should be considered. The judges, prosecutors and court support staff could participate in integrity focused project. The participants after going through several sessions end up making very specific commitments to themselves and to their colleagues about how they will mirror this virtue in the performance of their duties.

## COMMUNICATIONS

During the workshop with the Inspectors and Chief Judges, the issue of communications came up repeatedly. In any organizational system with as much complexity as a judicial system there is a need for clear and consistent communication regarding issues, concerns, goals and challenges. The request for regular meetings of the Chief Judges falls into the category of expression for more communication.

The Judicial Council has adopted a Strategic Plan. It should be publishing information on a regular basis on updates towards the goals of the plan. In addition, there should be meetings at least twice if not three times a year for Chief Judges. To discuss the progress towards the goals of the Plan, issues of concern and sharing experiences on how they are confronting the operation of the courts.

There are other audiences to consider when developing a communication plan. The public is largely unaware of what is transpiring in the judicial system. Other entities in the government have an interest in what is transpiring within the system. One of the most successful strategies to improve funding for the judiciary is to demonstrate where and how the judiciary manages funds and conducts its business. Building confidence in the judiciary's capacities contributes to an environment that is supportive for judicial funding.

One of the frustrating aspects of polling about the judicial system is that it is done with the general public rather than directly with users of the system. DPK has developed a unique way of incorporating the user's views of the performance of the system. It is called Q10. It is a questionnaire of 10 standard questions which are administered to actual users of the court system on a quarterly basis.

The responses to the questions provide an excellent insight in to the actual performance of the system. By administering it on a quarterly basis it can also be a part of a continuous improvement strategy. It provides a "grade" on how the courts are performing at given time which can be seen over a period of time.

Developing a system wide web page for disseminating information and reporting on progress of the courts should also be a part of the strategy.

The Inspection Office should produce a report summarizing the results of the assessments done during the year. This report would group the concerns by topics and develop recommendations for addressing problems found during the course of the inspections. By being more systemic the judiciary could look at the problems across the spectrum not just individually.

## DISCIPLINE

It has been my experience that the overwhelming majority of judges are interested in doing things "right". They are keenly interested in complying with the code of ethics. However, questions arise on topics that are unforeseen or are complicated. We have found the creation of Advisory Committee of judges to assist judges who have questions on issues that have been presented is a effective preventive measure. Further, this committee develops real expertise in the code of ethics and can train new judges being appointed to the bench.

The Committee's opinion should be published on the web page without attribution to the judge involved in order that other judges can benefit from the guidance.

Ethics courses must be taught in the Judicial Training Institute on a regular basis

## RECOMMENDATIONS FROM THE WORKSHOP

Attached are the summary of the recommendations made at the Judicial Inspection Workshop.

## **The recommendations and suggestions after the Judicial Inspection workshop:**

1. Find an Inspector in each court who reports to the Judicial Inspection Department. (Decentralized Inspection.)
2. Another suggestion the every Head court performs his Inspection authorities on his judges instead of finding an Inspector in each court.
3. Publish a periodic bulletins issued by the Judicial Inspection Department about the activities that have been done by the Inspection Department the year and summarization about their Inspections activities in Courts.
4. Conduct a periodical meeting for the Head Courts.
5. Concentrating about the Inspector specialization in the cases that they are working on.
6. Find a mechanism and communication method between the Cassation Court and the Judicial Inspection, whereas the Cassation Court Judges are more qualified to know the judges qualifications because of the large number of the case they deal with.
7. Amend Judicial Inspection bylaw by adding a special article about the Internal Inspection.
8. Issuance a special system for the importance of finding a national address for the entire citizen to solve the notifications problems.
9. Put a special determination for the Courts Excellence taking into considerations the size and the type of the court:
  - **Court Cleanliness Standards.**
  - **Organizing the warehouse.**
  - **Closed cases standards.**
  - **Number of the recorded complaints against the judges.**