
EVALUATION OF PILOT COURTS

**JUDICIAL REFORM II PROJECT
NO. 519-0376**

USAID/EL SALVADOR

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I. Executive Summary

A. Purpose and Background of the Evaluation

One of the major activities under Judicial Reform II Project has been the design and implementation of improved administrative systems for application at the level of individual criminal trial courts in El Salvador. Considering such confines as the existing human resource base, existing infrastructure, and certain legal definitions as to how work will be done (and by whom), the project works at improving the deployment (and skill levels) of courtroom personnel, introducing improved filing and paper tracking systems, introducing a simple computerized case tracking and internal management information system, and introducing in some courts a common secretary who will handle such functions as case assignment and notifications for all criminal trial courts in the vicinity.

The pilot project was begun in January 1993. While originally scheduled for completion in under one year, a number of factors (problems in the appointment of a new Supreme Court, resistance on the part of judges to the innovation, etc., delays in the purchase of computer equipment) delayed completion. However, by mid 1995, the new model was completely designed and installed in the ten criminal trial courts in San Salvador and the two in Santa Tecla. In the latter jurisdiction, a common secretary pilot is awaiting the approval of the Supreme Court prior to its introduction. While the court wishes to replicate the model in all criminal trial court jurisdictions, USAID requested an assessment of its design, initial impact, and required modifications and adjustments before further expansion.

B. Methodology Used

A two-person evaluation team (ET) was contracted by the institutional contractor to perform a limited scope evaluation of Judicial Reform II Project.

- Steve Urist (team leader), a court administrator with over twenty-five years' experience in government administration and court development.
- Robert Lovato, a retired court administrator with over thirty years' administrative experience in the fields of hospital and court administration.

The team leader arrived in El Salvador on January 13, 1996. The ET spent two weeks in country, during which time they reviewed all relevant project documents and studies related to the project and interviewed court administrative personnel. Prior to departure, the ET submitted a draft evaluation.

A final report was submitted (in English and Spanish) ten days after the ET's departure.

C. Outputs By Component (What Has Been Accomplished To Date)

Reduction of Case Backlogs

- Conducted a 100 percent inventory of cases
- A purging center was established in March of 1994
- All purging center employees are paid by the Supreme Court
- An automated file control system was developed for purging center
- All cases over two years old (40,000) have been purged

Development of an Automated Caseflow Management System

- An automated caseflow management system has been designed and tested in twelve pilot courts.
- A caseflow management system is under design which integrates the common case elements of the criminal trial courts, the public defenders, the prosecutors, the juvenile courts and the family courts.
- Computers and furniture have been ordered for the family courts.
- Groundwork has been laid for institutionalization of training in the judicial school for continuing education in these systems.

Design and Implementation of a Docketing and Filing System

- Manual docket card, forms and training manuals for criminal trial courts have been designed and implemented at the twelve pilot criminal courts.
- Manual docket card, forms and training manuals for juvenile courts have been designed and tested in the Juvenile Pilot Court in Santa Tecla.
- Manual docket card and forms for the Family Courts have been designed and awaiting approval from Supreme Court for testing.
- File folders and identification tabs have been designed and implemented in the criminal trial pilot courts.
- Various manual forms and procedures for initiating and tracking case components have been designed and implemented.
- A unique case identification number has been introduced.

Records Management and Archival

- Archiving Unit has been created at the Supreme Court.
- Equipment and furnishings have been purchased for both the central judicial archive and the Archiving Unit.
- An automated file tracking and retrieval system (CD-ICIS) has been installed in both the central archives and the Archiving Unit.

Established a Judicial Statistical System

- An independent office for judicial statistics has been established by the Supreme Court.
- A variety of standardized statistical reports for the criminal trial courts were designed and are operational.
- A statistical report for the family courts has been designed and awaits approval from the Supreme Court prior to implementation.
- An automated statistical reporting system for the juvenile courts has been designed and implementation is underway.

Other Automation Requirements for the Criminal Trial Courts

An automated tracking system for detained defendants has been designed, tested and implementation and training is underway in the pilot courts.

D. Conclusions And Recommendations

General Comments

A plan for the transfer to the GOES of management systems designed and implemented by the institutional contractor during the life of this project should be developed and implemented during this year. This includes the strengthening of the coordination role of the Unidad Tecnica Ejecutora (U.T.E.).

We recommend the establishment of regularly scheduled meetings among the criminal trial court judges. This opportunity for dialogue among the judges and feedback to the institutional contractor, as a group, should not be overlooked.

The Escuela Judicial should increase its role in the training of support personnel. To date, the Escuela Judicial has concentrated its efforts on the training of judges, prosecutors and public defenders. The training of secretarios and resolutores should be increased. These personnel are key to efficient and

effective case processing since judges depend on these persons for the timely processing of cases. As such, they must be trained in the administrative requirements of the new criminal code as much as the judges, prosecutors and public defenders.

The USAID project manager and the institutional contractor should establish a schedule of regular meetings for the discussion of project issues. Minutes of each meeting which document key issues and decisions should be kept.

Regular quarterly project status reports should be provided to USAID by the institutional contractor.

We recommend that a general public survey be conducted in order to ascertain the public's level of confidence in the judicial system. This will establish a measurable baseline for a follow-up survey once all the cases are purged.

Inventory of Cases

The practice of taking a 100 percent inventory of cases should be utilized more often in all AOJ projects. In many projects, a sample inventory is used to statistically establish the relative status of pending cases. This, however does not provide the exactness of a 100 percent physical inventory nor does it assist in the strengthening of the relationships that need to be developed between each judge and staff and the project.

Development of a System for Purging of Old Pending Cases

The ET highly recommends this approach to reducing the backlog of pending cases. It results not only in a reduction of the backlog, but it also provides a mechanism for building a professional judicial staff.

Development of a Records Management and Archival Plan.

The Supreme Court should clarify the organizational status of the Unidad de Archivos Judiciales. Currently there exists a controversy surrounding the legal status of this unit and its staff.

Design and Implementation of a Docketing and Filing System

The ET recommends that upon the adoption of a new criminal code, the docket card and other instruments be redesigned to accommodate the new code requirements and that they be introduced in all courts.

Establishment of a Judicial Statistical System

The institutional contractor, in collaboration with the Supreme Court and the Ministerio Publico staff, should develop a prototype of an annual judicial statistical report for each judicial agency.

Development of an Automated Caseflow Management System

All remaining equipment for the criminal courts should be purchased and personnel trained in its use as soon as possible. Upon completion of the training, the ET recommends the redesigned core module be installed in all criminal courts rather than the existing pilot system. Should delays in its development prevent a timely implementation, we suggest that the current pilot system be used until the new system is ready.

Other Automation Requirements for the Trial Courts

The recently developed and tested sentenced defendant tracking system should be implemented in all trial courts.

Juvenile Courts

Implementation of this component should continue as outlined in the 1996 Annual Plan. All preparations necessary for implementation of this system have been completed.

Family Courts

The Supreme Court should adopt one set of system standards for both family and juvenile courts and proceed with its implementation.

Establishment of a Common Secretary

The Supreme Court should approve the creation of this office as soon as possible. All the necessary logistical and preparatory steps for this action have been taken. While we understand that this is a radical departure from the normal assignment and distribution of cases in El Salvador, its adoption is key to the efficient administration of cases in the courts.

E. Comments On Development Impact And Lessons Learned

In the opinion of the authors, the administrative reforms introduced by Judicial Reform II Project in the criminal trial pilot courts have had a significant impact on their operations. The introduction of a uniform set of guidelines, forms and systems in the criminal trial courts has been quite successful. This uniformity in processing is essential to the strengthening of justice sector institutions and the monitoring of such human rights issues as speedy trials and due process. This project has clearly heightened the awareness by judges, prosecutors and public defenders regarding issues surrounding the structural weaknesses in the existing systems and the need for reform.

The in-depth training of highly qualified administrative support personnel and their absorption into the judicial system should produce some long term benefits in the way of institutionalizing the administrative reforms already introduced. The enthusiasm and support displayed by the staff and judges in both the criminal trial courts and Supreme Court is indicative of an institutional acceptance of the principles and practices introduced by the institutional contractor.

The resolution of almost fifty percent of all the cases over two years old is in itself a significant accomplishment. It is not unreasonable to expect the other fifty percent will be resolved by the end of the year. Very few projects can claim a direct and measurable effect on the case backlog to the degree that this project can. We are not aware of any tangible measure of increased public confidence as of the date of this evaluation. However, we speculate that the resolution of almost one hundred thousand old cases by the end of this year will certainly translate into such an increase in confidence by the general public.

II. Purpose Of Evaluation

One of the major activities under the Judicial Reform Project II has been the design and implementation of improved administrative systems for application at the level of the individual criminal trial courts. In an effort to achieve that goal, a pilot project was begun in 1993 for the purpose of designing a Salvadorian prototype for these systems. Prior to expanding the systems that have been designed and tested, USAID El Salvador wished to evaluate the systems' design, initial impact, and required modifications and adjustments of the systems installed in ten criminal trial courts in San Salvador and two in Santa Tecla.

The specific purpose of this evaluation is to assess the progress toward the strategic objectives of the pilot project, namely, the verification of the appropriateness and the readiness of that pilot for nationwide use in the criminal trial courts.

III. Methodology

A two-person evaluation team (ET) was contracted by the institutional contractor to perform a limited scope evaluation of Judicial Reform II Project.

- Steve Urist (team leader), a court administrator with over twenty-five years' experience in government administration and court development.
- Robert Lovato, a retired court administrator with over thirty years' administrative experience in the fields of hospital and court administration.

The team leader arrived in San Salvador on Saturday, January 13, 1996, to begin reviewing background documents. On January 14, the second team member arrived in country and began reviewing the documentation. Initial documents to be reviewed included:

- original project design
- contracts with the institutional contractor
- project plans for 1993, 1994, and 1995
- quarterly project status reports
- semiannual reviews.

Other pertinent documents such as operating manuals, technical guides, organizational charts, etc. were reviewed as the evaluation progressed.

On Monday, January 15, the team spent the morning establishing the evaluation strategy and discussing the documents reviewed. The first meeting with the institutional contractor was held that afternoon. The first meeting with USAID personnel was held the next day. Discussions revolved around specific goals and objectives of the evaluation and any specific concerns USAID had. As a result of that meeting, the ET developed the evaluation work plan and submitted it to the Project Manager later that week.

Beginning on Wednesday, January 18, the ET began a series of interviews (detailed in Appendix 13.4) with project and GOES officials.

The team reviewed all relevant project documents and studies related to the project. They met as a team with representatives of the major implementing entities, judges and court administrative personnel. Individually, the team members had follow-up interviews with various officials from the representative institutions for clarification and verification of findings and facts.

On January 24, the ET met with USAID ODI Director, Mrs. Kristin Loken, and staff to review the work plan and to discuss progress of the evaluation.

On January 25, a draft evaluation report was submitted to the USAID project manager, Mr. Mauricio Herrera.

On January 26, the ET met with USAID representatives to review the draft evaluation and make suggestions as to any clarifications or additions that were necessary.

IV. Background Of Project

A. Goal And Purpose Of The Project

The project goal, as stated in the Project Paper (PP), is to "build and sustain confidence in the Salvadorian justice system. This project will contribute to the achievement of the goal by enhancing the ability of the system to insure speedy and competent investigation of crime, arrest and trial of suspects, protection of innocents from persecution and other punitive actions, while maintaining guarantees of equal protection under the law."

The project purpose, as stated in the PP, is to "improve the administrative, technical and legal performance of El Salvador's criminal justice system."

B. Context Of Project

This project builds upon the lessons learned during a difficult, eight-year (1984-1992) USG effort to improve the administration of justice in El Salvador. Intensive USG policy dialogue efforts, USAID's Judicial Reform I Project, and the Department of State/International Criminal Investigative Training Assistance Program (ICITAP) assistance have enabled Salvadorians to take some first important steps to overcome structural, legal, technical and human resource weaknesses in its justice sector.

The purpose of this project is to strengthen the incipient reform movement in El Salvador, deepen public support for judicial reform, and strengthen justice sector institutions. Specifically, it is hoped that by the end of this five-year project, Salvadorians will be afforded greater guarantees of due process through legal and institutional reforms specifically resulting in the resolution of criminal court matters in a timely fashion with increased access to public defense. These goals should be achieved through a series of constitutional and statutory changes that will provide the basis for a redefinition of institutional roles and resource allocation thus creating a sound institutional base for the needed legal, regulatory, and administrative reforms envisioned.

Judicial Reform II Project initiated a second phase in USG assistance to the El Salvador justice sector on September 29, 1992. The same company (Checchi and

Company Consulting) that had carried out Judicial Reform I Project was chosen to implement this second phase as well.

C. How The Project Was Designed

In September of 1993, a "pilot project" was approved to implement improved administrative procedures, in manual and automated form, in selected criminal trial courts. The specific targeted system improvements were as follows:

- improving deployment of courtroom personnel
- improving skill levels of courtroom personnel
- introducing improved filing and paper tracking systems
- introduction of a simple computerized case tracking system
- introduction of an internal management information system
- introduction of the concept of a common secretary (clerk) for such functions as case assignment and notifications for use in criminal trial courts.

In order to address the above systemic and institutional weaknesses a series of organizational and personnel growth initiatives were begun. Those initiatives are outlined on the following pages.

V. Elements of the Pilot Systems

Following are the major elements of this evaluation as identified in the ET work plan submitted to USAID on January 18, 1996.

- **Reduction of Case Backlogs** - A large number of cases were found to be pending for long periods of time due to a variety of factors that in essence resulted in the denial of justice to the citizenry of El Salvador due to the lack of timely disposition of cases.
- **Establishment of a Judicial Statistical System** - It was found that the system for statistical gathering and reporting was so inadequate, that it rendered itself unreliable, not useful, nor timely. It was a manual system, general in nature, and used primarily for the publication of the annual report. Most of the statistical gathering was performed by the lowest level and least capable employee.

Similar to the statistical reporting in the courts, the Fiscalia General gathers limited operational statistics regarding the new number of cases initiated each week. This information is insufficient for case management, case tracking, evaluation and planning purposes.

In the Procuraduria General each of its many units maintains manual records on a large variety of clients. The reliability of these statistics is questionable due to its variety and manual nature coupled with their lack of procedural manuals and uniform records and procedures.

- **Improving and Automating the Caseflow System** - The original caseflow processing system designed and implemented by the Supreme Court's data processing center was to be installed in the ten criminal trial courts in San Salvador. For a myriad of reasons, the system fell into disuse by February 1994. By April 1994, the Judicial Reform II Project began its own effort to design and install an improved system.
- **Other Automation Systems Related to the Pilot Courts** - At the request of many of the judges at workshops held by the institutional contractor, the institutional contractor designed and implemented a sentenced defendant tracking system independent of the case tracking system. This system was tested in Santa Tecla in October 1995 and is currently being installed in the pilot courts in San Salvador.

- **Records Management Plan** - The development of an effective records management plan which will provide for proper disposition and archiving of judicial records is imperative to the efficient and effective operation of a judicial system. Such a system was found to be lacking in the Salvadorian judiciary. All the other justice sector agencies have the same problem with large accumulations of records and extremely limited and poor storage facilities.
- **Introduction of a Common Secretary** - This component's purpose is to test different types of court administrative organizational structures to determine which model lends itself best to the conditions in El Salvador.

The above-mentioned components of the project design complement each other so as to establish a coherent and comprehensive effort to increase the efficiency of the justice system across the board in a sustainable manner. At the heart of the effort to increase criminal trial courts' efficiency is the placement of the court secretary, with appropriate administrative instruments, in all the trial courts to relieve the judge of administrative tasks. Such tools as the new records management and archival system linked with the introduction of a docket card, which is an integral component of the new statistical system, provide the groundwork for the long-term sustainability of the introduced techniques and technologies.

VI. Changes Introduced and Methodology of Introduction

The change process in the courts must be well planned and managed to insure its successful implementation and acceptance. The concept and design of the docketing, filing, statistical and caseload management systems introduced in this project are well known and accepted systems design in the field of court management. In most of the projects the ET is familiar with, these administrative instruments are designed and introduced in one form or another.

What does vary significantly from project to project, however, is the methodology of introduction. This project has utilized several strategies in the implementation of administrative systems and instruments that conform to the three principal elements involved in the change of any organization: (1) Recognition of the need for change not only at the highest levels of the organization, but within the organization; (2) the creation of a new vision within the organization and (3) the institutionalization of that change.

The establishment of coordinating groups such as the Consejo Nacional de Justicia, the Unidad Tecnica Ejecutora, and the many inter and intra organizational working committees has clearly provided the vehicle for many of the successes the project currently enjoys. The creation of these working groups not only achieves the immediate goal of introducing new systems but it also introduces to the institutions a long term and less parochial methodology for future change.

There is one technique that has been utilized in this project that stands out as an extraordinarily effective vehicle for institutional change and future sustainability. The establishment of the purging center. This allowed the recruitment and training of a large number of young El Salvadorian lawyers and law students in the actual processing of court cases, and the later transfer of these individuals to the GOES payroll has provided the judiciary with a cadre of trained trainers and possible future judges, prosecutors and public defenders. These individuals have not only assisted in the purging of cases but can be utilized in the introduction of docket sheets and automated systems as well.

For example: once the inventory of pending cases was completed, a national symposium was organized to create a nationwide discussion of the findings, thereby creating a forum for discussion of the findings. This in turn addressed the first concept stated above, namely, the recognition of the need for change.

VII. Expected Outputs and Achievements to Date

A. *Development Of A System For The Rapid Reduction Of Case Backlogs*

1. Inventory of Cases

In order to deal with the extensive backlog of cases it was necessary to carry out a 100 percent inventory of all cases pending in all courts. In order to carry out this task, a group of sixty Salvadorian lawyers and law students were hired by the institutional contractor to perform the inventory of cases from August to October 1993. They were trained and then sent to every court in the nation. The survey covered the 18 appellate courts, the 120 trial courts and the 304 justices of the peace. The inventory included information on each case as follows: type of case, nature of action, court and case identification, the date the case was initiated, the date and last action in the case and the status of the case.

Achievements

Four principal achievements resulted from this inventory.

1. It provided information necessary for the preparation of a list of all pending cases. Since all the cases had been aged in eight categories, the Supreme Court was able to identify and order the purging of all old cases.
2. It provided a factual basis for a national discussion of the volume and reasons for trial delay in El Salvador. The detail of the aged cases by type and location contributed to this discussion.
3. Equally important, it created a group of highly educated, trained and enthusiastic individuals who would later comprise the majority of initial personnel in the to-be-created "purging center."
4. For the first time in Salvadorian history, there was a reliable and accurate statistical data base reflecting the up-to-date status of all cases.

Problems

Our discussion with the institutional contractor's court administrator and other participants revealed only a few minor problems in complying with this task. The main obstacle was the deplorable condition of the records at many of the courts. Many of the files were of such an age and condition that they were almost unreadable.

Recommendations

The practice of taking a 100 percent inventory of cases should be utilized more often in all AOJ projects. This data base is invaluable to the Supreme Court and IC as a foundation for the development and measurement of the various components of this project.

2. Purging System

In order to significantly reduce the backlog of 102,000 old cases in El Salvador, a purging center was approved and financed by the Supreme Court. The center, established by the institutional contractor, was staffed with 34 persons, many of whom were from the original group of surveyors. These individuals were trained for 120 hours in March of 1994 and the purging of cases began immediately thereafter. The purging had five objectives.

1. Perform a detailed analysis of each case in order to verify whether or not the procedural codes had been followed.
2. Write the appropriate motions and/or resolutions to assist the judge in moving the case forward.
3. Assist the courts in establishing a system for identification of pending actions within each case.
4. Train court personnel in the identification and resolution of pending actions in order to efficiently expedite the cases.
5. Close-out and archive as many cases as possible.

Achievements

- The purging center was established. Personnel were hired and trained. Purging began in March of 1994. As of December 31, 1995, 45 percent or 40,000 of the cases two years old and older have been purged and sent back to the court of their origination and closed out.
- All purging center personnel are now contract employees of the Supreme Court. This is a significant achievement since it provides a trained complement of lawyers and law students who are available for selection as professional staff and judges in the future.
- Judges are becoming more sensitized to the importance of timely resolution of cases.

Problems

In October 1994, a decision was made to turn over control of the purging center to the Supreme Court. It is the ET's understanding that the impetus for this action was a perception that time spent on this activity was utilizing resources from the other components of the project. The Supreme Court did not act to name a court official to head the center in a timely manner. This resulted in a decline of productivity until March 1995, when the center's control was returned to the institutional contractor.

In the opinion of the ET this attempted transfer to the Supreme Court, of a temporary organizational unit, was a mistake. The only reason for establishing this unit was to purge old cases. Once that is accomplished, the unit will cease to exist, and all these temporary employees' contracts will come to an end. Luckily, this mistake was reversed and the purging center is again operational. Given the purging center's progress to date, all the old cases should be purged by the end of 1996.

Recommendations

The ET highly recommends this approach to the purging of cases. It results not only in a reduction of the backlog, but it also provides a mechanism for building a professional judicial staff that can be utilized throughout the judicial agencies in the future. In fact, this is already occurring. Individuals from the purging center are accepting permanent positions in the criminal trial courts and some have even been offered judgeships.

B. Development Of A Records Management And Archival Plan

Development of a records retention schedule along with a records archival plan is imperative to the proper storage and retrieval of agency records. This requires the identification of the responsible officials and the development of systems for addressing the large, undocumented accumulation of records in all judicial sector agencies.

Achievements

- The Unidad de Archivos Judiciales was established on July 11, 1995 at the request of the institutional contractor court administrator.
- While the unit director was originally hired with project funds, he is now on the Supreme Court's payroll, thereby institutionalizing the function.
- Thousands of cases were identified, cataloged and transferred from the pilot court in Santa Tecla to the central judicial archives.
- An archiving course was designed and is being held throughout the country for judicial staff, establishing the foundation for a systematic records retention and retrieval program.
- An automated file index system was designed and is operational at both the central judicial archives and at the Unidad de Archivos Judiciales.
- A records retention schedule has been designed and is awaiting approval from the Supreme Court before implementation can begin.

Problems

- The Vice President of the Supreme Court issued a letter in July 1995 creating the Unidad de Archivos Judiciales within the Supreme Court organizational structure. The ET's understating is that this is an unusual method for the establishment of an organizational unit within the Supreme Court. Consequently an internal disagreement has arisen regarding the appropriate placement of the unit. The unit director is experiencing resistance from other judicial units as he attempts to carrying out his duties

Recommendations

- The Supreme Court should take the appropriate action to resolve the controversy revolving around the organizational structure of this unit as soon as possible. Failure to act will continue to impede the proper functioning of this unit.

C. Design And Implementation Of A Docketing And Filing System

The introduction of a docket system provides the building blocks for an effective caseflow management and statistical system. The institutional contractor has, as one of his prime objectives, the design and implementation of a docketing and filing system. This not only includes the design and implementation of a docket card, but also the design and implementation of the new file jacket, index system and case identification numbering scheme. In order to institutionalize such instruments, the contractor must also develop operational manuals and train court personnel in their use. Furthermore, there must also be established an ongoing mechanism for that training.

Achievements

- All the instruments to be designed, have been. Now in use in all the pilot courts are a docket card, a new file jacket, an administrative manual, various registers, a file jacket, an administrative manual and a file identification system which, in combination, speed up the case file identification and processing.
- A unique case identification number has been introduced.
- The docket card has been accepted as a legitimate instrument for identification and tracking of cases in all pilot courts. Proof of this acceptance was demonstrated when the court staff found the original docket card to be too tedious. Instead of rejecting the docket card concept, they modified the original so that it became more useful.

Problems

- When the new criminal code becomes effective (one year after enactment) most of the administrative instruments and systems developed to date will need modification in order to be operable under the new code. For example,

30 to 50 percent of the fields on the docket card will become obsolete when the new criminal code becomes effective

- Furthermore, it is the ET's understanding that these instruments are scheduled for introduction in only forty criminal trial courts during the lifetime of this project. The sustainability and institutionalization of these manual systems will only occur if court personnel are exposed to them. The introduction of the docket card and other instruments in a limited number of courts will modify the behavior of only those courts exposed to them.
- This raises another issue. There are sixty-four courts that handle criminal matters; forty are full-time criminal trial courts and twenty-four are multi-jurisdictional, handling both criminal and civil matters. The current plans call for the introduction of the docket card and other forms in only the forty full time criminal courts. This leaves twenty-four courts that handle criminal cases operating in the same manner as they always have. Without inclusion of these mixed courts in the system, standardized criminal justice in El Salvador may not occur.
- One of the requirements of the new criminal code is the filing of new criminal cases, by the prosecutors, in the justice of the peace courts. This means that it will be necessary for the justices of the peace to use the newly designed and introduced docket card. The 1996 plan does not include the introduction of the docket card into the justices of the peace courts.

Recommendations

- The ET recommends that upon adoption of the new code, the docket card and other instruments be redesigned to accommodate the new code requirements.
- Since one of the primary goals of this project is to institutionalize the use of some form of case control (docket card or system), we recommend that the docket card be introduced in all courts (not just criminal trial courts) even if the card introduced is the one in use under the current code. Its use will acclimate court personnel to using a docket card for every case and it will be an easier transition to the card redesigned for the new code. Proof of this acclimation is the experience in the pilot criminal trial courts.

D. Establishment Of A Judicial Statistical System

The institutional contractor, in cooperation with GOES official, shall perform statistical studies as necessary, design and implement a statistical system for the courts, and the

Misisterio Publico. Such implementation shall include the design of all data gathering instruments, training manuals and the training of staff in their use.

Achievements

- Conducted a 100 percent case inventory which established an accurate and up-to-date statistical base on which to build the new statistical system.
- The Supreme Court is establishing an independent office of judicial statistics, thus providing a focal point within the judicial branch for the collection and analysis of statistics.
- A variety of standardized statistical reports were designed and implemented in the pilot criminal trial courts.
- Many of the data gathering instruments and statistical reports are automated and tested in the pilot criminal trial courts.
- All the systems under design are using a common set of design elements thereby achieving standardization across judicial agencies.

Problems

- The ET did not detect any major problems in the development of these systems.

Recommendations

- The ET recommends the development of a prototype annual judicial statistical report for each judicial agency. There are a number of examples available in both the United States and Latin American countries. The National Center for State Courts publishes a statistical dictionary with sample reports. Cost Rica publishes a very detailed and useful annual report.

E. Development Of An Automated Caseflow Management System

An automated caseflow management system should be designed to accomplish automated indexing, case action histories from initial filing, case processing and eventual termination and archiving into central data banks. Included in the design shall be the ability to retrieve case date rapidly.

Achievements

- An automated docket control system has been designed in-house and implemented in the twelve pilot criminal trial courts.
- Four staff members of each pilot criminal trial court received 40 hours of training in the operation and reporting features of the system.
- Institutionalization groundwork has been laid through the judicial school of the Consejo Nacional de la Judicature for continuing education and training in this subject so necessary to court staff.

Problems

- Prior to JRP II, the Supreme Court attempted to design and implement a similar system to the one designed by the institutional contractor. That system failed for a variety of reasons and was finally abandoned. The challenge of designing and implementing another system was overcoming the negative sentiment that resulted from the first attempt.
- The current system installed in the pilot criminal trial courts is the initial version of this new system. A second version is in the design phase. The initial version was specifically designed for use in the courts. The new version, under design, will also be implemented in the courts as well as the agencies of the public ministry. There is considerable pressure from the Supreme Court to expand the current version into all forty criminal trial courts. The issue has arisen as to the advisability of expanding the current version prior to the completion of the designed version.

Recommendations

The ET recommends the following procedure for the expansion of the system into the forty criminal courts:

- The Supreme Court and USAID should complete the procurement of all scheduled equipment for the remaining twenty-eight criminal trial courts as soon as possible.
- The I.C. should install the computer equipment and initiate training in the use of word processing and operating system software in the twenty-eight remaining criminal trial courts as soon as possible.

- Upon completion of all training (about two months after installation of the equipment), a determination should be made by the Supreme Court, the I.C. and USAID as to whether the redesigned docket module should be installed in all automated courts or whether it would be more advisable to expand the existing system. The existing system has proven to be functional. However, it was designed with only the criminal courts' needs in mind. As mentioned above, the redesigned system is targeted at the Ministerio Publico, the juvenile courts, the family courts as well as the criminal trial courts.

The key issue in making this determination is time. If, upon completion of training, it appears that the new central core module of the redesigned system is near completion, our recommendation is to wait for its completion and then install it. If delays are experienced in completion of the redesigned systems, the currently functioning system should be expanded, albeit at the criminal trial courts only.

F. Identification, Development And Implementation Of Other Automation Systems

After completion of the initial design phase of the docket and case management system a need for a sentenced defendant tracking system was identified by the institutional contractor during a series of workshops with judges.

Achievements

- This system addresses one of the major human rights issues plaguing the Salvadorian courts. By law, judges are required to visit and inform each defendant, in custody, regarding the status of his/her case. Since no mechanism exists for insuring compliance with this legal requirement, it is not unusual to have a defendant remain detained beyond his/her eligibility for release. The system also tracks any imposed conditions such as restitution, fines, etc.

G. Juvenile Courts

Implement administrative reforms that reflect the requirements of the new juvenile code as well as the interdisciplinary teams of psychologist, sociologists, social workers

and educators. These reforms are modeled after the criminal trial courts pilot, where applicable, and include an automated case management component.

Achievements

- A needs assessment was conducted to include an active case inventory of all juvenile courts in the country.
- A specialized local technical team for juvenile courts was formed and financed by the Supreme Court. This team's purpose is to design and implement the administrative tools and controls for the operation of all juvenile courts.
- The automated case management system has been designed and is awaiting the contracting of a local firm for the programming.
- The Supreme Court has already purchased the computer equipment for all twelve juvenile courts and is awaiting delivery and installation.

Problems

- No major problems have been encountered.

Recommendations

- This component should continue to be implemented as outlined in the 1996 annual plan.

H. Family Courts

Implement administrative reforms that will reflect the requirements of the new family code as well as the interdisciplinary teams of psychologist, sociologists, social workers and educators. These system reforms are modeled after the criminal trial court pilot, where applicable, and include an automated case management component.

Achievements

- A needs assessment in Santa Tecla family court was conducted.

- Plans are complete for the establishment of a specialized local technical team for family courts. This team's purpose is to design and implement the administrative tools and controls for the operation of all family courts.
- The automated case management system has been designed and is awaiting the contracting of a local firm for the programming.
- The Supreme Court has already purchased the computer equipment for all twenty-two family courts and is awaiting delivery and installation.

Problems

- Some delay has been experienced in approval of these systems by the Supreme Court. The Supreme Court has divided the oversight responsibility for the development and approval of systems in the family and juvenile courts among two justices of the Supreme Court. This has resulted in the consideration of different system standards for each type of court. In turn, this is causing considerable delays in the implementation of the family court system.

Recommendations

- The Supreme Court should adopt one set of system standards for both courts and proceed with the implementation of this components.
- The Supreme Court should give the institutional contractor the approval to install the computer equipment and begin personnel training as soon as practicable.

I. Establishment of a Common Secretary

The introduction of a common secretary is intended to introduce an administrative figure to coordinate case assignment and centralize the management of other non-judicial tasks.

Accomplishments

- A design for a centralized office of service of process (oficina de notificaciones y citaciones) and centralized case assignment and distribution office has been completed.

- The design and prototype of the administrative instruments necessary to implement the test system have been completed.
- The Supreme Court has purchased all the necessary furniture and computer equipment for this office.

Problems

- Delays have been experienced since September 1995 in obtaining the final approval for the implementation of this office. One of the major reasons for the delay is the Supreme Court's wish to participate in the pilot, thus expanding the original scope of work. The controversy regarding the occupation of the new judicial complex has also contributed to this delay.

Recommendations

- The Supreme Court should approve the creation of this office as soon as possible. All the necessary logistical and preparatory steps, including the procurement of furniture and equipment, have been finalized. This component cannot proceed without Supreme Court approval.

VIII. Project Implementation Schedule

The pilot project was begun in January 1993. While originally scheduled for completion in under one year, a number of factors (problems in the appointment of a new Supreme Court, resistance on the part of some judges to the innovation, etc., delays in the purchase of computer equipment) delayed completion. However, by mid 1995, the new model was completely designed and installed in the ten criminal trial courts in San Salvador and two in Santa Tecla. In the latter jurisdiction, a common secretary pilot is awaiting the approval of the Supreme Court prior to its introduction. The amount of systems and instruments designed and implemented and number of tasks completed by Supreme Court personnel and the institutional contractor during the latter half of 1995 is most impressive.

IX. Status of USAID Project Funds

Accounting records kept by the institutional contractor are not kept in a manner that captures every cost by individual job element of the project. Information provided by the Office of Financial Affairs does identify total costs for administrative systems for each calendar year. Those costs were as follows: (See Appendix)

1993	\$185,885
1994	\$509,533
1995	\$354,815

These costs appear to be quite reasonable for the benefits derived from the systems designed and installed in the pilot courts and the other administrative systems and manuals developed for use system-wide.

X. General Observations and Comments

The most adequate level of funding for the Supreme Court has allowed an increase in compensation for judges and employees. These increases are not in line with the level of remuneration of other judicial agency personnel. This has created a compensation disparity between Supreme Court personnel and those of other agencies. This disparity is creating a migration of personnel from other agencies to the Supreme Court. While this is advantageous to the Supreme Court, it clearly creates a void of qualified personnel in the other agencies, thereby reducing the overall system efficiency and effectiveness.

Much of the judicial training program is directed toward the new criminal code and the introduction of the oral trial model; the administrative systems, both manual and automated, are not. Those systems have been developed using the current criminal code. The pilot courts where the new manual and automated docketing systems are being tested and developed were chosen because that is where the majority of cases are initiated under the current criminal code.

Assuming the adoption of the new criminal code and its effective date, the ET recommends that the U.T.E. assume its long term responsibility and create a plan for the implementation and training of all justice of the peace personnel in the use of the docket card and other instruments designed by the institutional contractor.

The U.T.E. should develop a plan for the transfer of systems from all project components to their local counter parts. Currently the institutional contractor provides most of the day-to-day planning and direction for the project. This project is scheduled for completion on January 31, 1997. The continued sustainability and institutionalization will, in large measure, be dependent on the quality of that transfer. This plan must involve the active participation of all judicial agencies. Transfer dates must be included in the plan by system and component.

XI. Recommendation for Improvement

- **Micro management of the project by the USAID project manager.**

The daily presence of the former USAID project manager in institutional contractor's office has raised the issue of how much oversight is appropriate. This consistent presence, by its nature, created a situation whereby the project manager becomes a part of the institutional contractor's decision making process, which in turn compromises USAID's objectivity.

We recommend that regularly scheduled meetings take place between the project manager and the institutional contractor with the attendance of other staff as deemed appropriate.

- **Regular quarterly reports from the institutional contractor.**

There is an absence of regular project quarterly reports from the institutional contractor to USAID and the Supreme Court. The absence of these reports has created a void in the documentation of the project's progress. This lack of documentation is currently causing the new project manager, and others, difficulty in understanding what was done, when it was done and why it was done. While we do not recommend excessive reporting, we do believe that a combination of regular meetings and quarterly reports will provide both USAID and the Supreme Court with sufficient information to guide this project.

- **Regularly scheduled meetings among the judges in the pilot criminal trial court.**

The ET recommends that the institutional contractor discuss with the Vice President of the Supreme Court the advisability of holding regularly scheduled meetings among the criminal trial court judges. The ET understands that the institutional contractor court administrator holds individual meetings with individual judges of the trial courts; however, no periodic meetings take place among the trial court judges as a group. This opportunity for dialogue among the judges and feedback to the institutional contractor, as a group, should not be overlooked. These meetings would provide a forum for the introduction of the problem solving method widely used in other components of the project.

XII. Lessons Learned

- Identification and assignment of an interested member(s) of the Supreme Court as a project counterpart is critical to the success or failure of AOJ projects.
- Planned change toward better organizational effectiveness based on a *shared* diagnosis of existing problems and a *shared* set of goals has proved very effective.
- Participation by everyone in the process of change, as opposed to change being handed down from the top or driven from below and an effort to change the interpersonal relationships along with the structure, so the two elements of change work hand-in-hand toward an improved organization.
- Adequate funding for both the project and the other judicial agencies is key to the successful implementation of the introduced systemic and technological changes. The ET believes that if this project has not been adequately funded, it would not be enjoying the high degree of success it has to date.
- The transfer of the financial and administrative responsibilities from the project to the GOES clearly plays a key role in the effective institutionalization of project implemented reforms. This project already has accomplished the transfer of a number the contractor's employees to the GOES.

XIII. Appendices

A. *List Of Acronyms Used*

AID/W	United States Agency for International Development, Washington, D.C.
CNJ	Consejo Nacional de Justicia
COP	Chief of Party
ET	Evaluation Team
GOES	Government of El Salvador
I.C.	Institutional Contractor
JP	Justice of the Peace
Logframe	Logical Framework
NGO	Non-governmental Organization
PACD	Project Assistance Completion Date
PCs	Personal Computers
PD&S	Project Development and Support Funds
PID	Project Implementation Document
PM	Project Manager
PP	Project Paper
ProAg	Project Grant Agreement between the Government of El Salvador and the United States Agency for International Development
TA	Technical Assistance
USAID	United States Agency for International Development, Mission to El Salvador
U.T.E.	Unidad Tecnica Ejecutora

B. Documents Reviewed

Project paper - September 1984

Action Plan for Implementation of Pilot Project Activities - September 1993

Interagency Strategy for U.S. Government Assistance in El Salvador - April 1992

Project Grant Agreement No. 519-0376 - September 1992

USAID Evaluation Policy and Process - March 1994

Robert Page Evaluation Policy and Process - March 1994

Informe Sobre El Centro de Revision y Depuración de Procesos - August 1994

Informe Centro de Depuración de Causas Judiciales del Proyecto de Reforma Judicial II - July 1995

Informe de Actualización de avances del centro de Depuración de Causas Judiciales - October 1995

Plan Quinquenal del Sector de Justicia - 1993

Analisis y Recomendaciones Para Los Componentes Uno Y Dos de la Reforma Judicial II - August 1992

Solicitud, Offer and Award - December 1992

Planes Anuales Operativos 1994 - December 1992

Planes Anuales Operativos 1995 - November 1994

La Realidad de la Justicia Salvadoreña - 1994

Diseno Del Nucleo Para Los Sistemas de Informacion de Reforma Judicial

Diseno Del Sistema de informacion Para Juzgados Penales - December 1995

Diseno Del Sistema de Informacion Para Fiscalia General del la Republica - December 1995

Diseno del Sistema de Informacion Para Defensoria Publica - December 1995

Diseño del Sistema de Información Para Procuraduría General de la República - December 1995

Guía Técnica - sistema de Seguimiento de Juicio Penales - April 1995

Anteproyecto de la Ley Organica de la Comisión Coordinadora del Secotr de Justicia de la U.T.E. y Su Exposición de Motivos - January 1996

Recopilación de Resoluciones

Guía del Usuario del Sistema de Seguimiento de Reos Condenados - September 1995

Guía del Usuario del Sistema de Control de Depuración de Causas Judiciales - March 1995

C. Forms And Manuals Reviewed

Forms (Fichas)

Juicios Penales Ingresados

Juicios que terminan con sentencia

Ficha Penal

Manual, Ficha Penal Para ingreso de datos al SSJP

Página de Continuación

Informe Estadístico Mensual - Material Penal

Ficha de Juicio Suspendido

Ficha de Reo condenado Ausente

Documents and Manuals (Documentos)

Guía Técnica, Sistema de Seguimiento de Juicios Penales - SSJP

Instructivo - Guía de Usuarios Sistema de Seguimiento de Juicios Penales, Abril, 1995

Sistema de Control de Depuración de Causas Judiciales

Registro y Control de Reos en libertad condicional

Registro y Control de Decomisos

Recopilacion de Resoluciones

Recopilacion de Oficios

Registro de Juicios Sobresalidos provisionalmente

Control y Registro de Citas

Formula para Juzgado de Familia

Manual de clasificación de cargos del Órgano Judicial

Sistema de Informacion de Juzgados de lo Penal - Guia del Usuario - Sistema de Seguimiento de reos Condenados

Registro y Control de Reos en suspensión condicional

Identifying Tabs (Vinetas)

Viñetas Para Fichas Penales (E,C,S)

Etaqa contradictoria

Etiqueta Para decomisos

Reo Condenado

Reo Presente

Other Instruments

Carátula Penal

Tarjeta control de movimiento de expedientes

Bolsas A,B y C Para decomisos

Empaque y sellador plástico Para resguardado de evidencia

Listado de oficios

D. List Of People Interviewed

Dr. Rene Hernandez Valiente Sala	Vice Presidente CSJ/1er Magistrado de lo Constitucional
Dra. Aronette Díaz de Zamora	4a Magistrada Sala Contencioso Administrativo
Lic. Guillermo Gutiérrez Santa María	Juez 10° de lo Penal
Dr. Rafael Flores y Flores	Jefe Unidad Tecnica Ejecutora
Dr. Jose Gerardo Lievano Chorro	Coordinador Unidad Educación Publica y Reforma Legal
Dr. Albino Tinetti	Director de la Escuela Judicial Consejo Nacional Judicatura
Lic. José Fredesvindo Flores	Coordinador en Materia de Menores
Lic. Daysi Barahona de López	Coordinadora en Materia de Familia
Dr. Jorge Obando	Jefe de Equipo Proyecto de Reforma Judicial II
Dr. Aldo Espinoza	Consultor de Largo Plazo, Sistemas Administrativos
Ing. Luis Ernesto Ospina Silva	Consultor de largo Paz, Estadística Judicial
Lic. David Andrés Martínez Guerrero	Gerente del componente de Sistemas Administrativos
Ing. Edwing Antonio Cruz Rivas	Jefe de Informática
Lic. María Aguerria Chacon	Coordinadora Depuracion de Causas Judiciales
Lic. Romel Morales Ruiz	Coordinador Sistemas Centralizados Oficina Común

Lic. Mauricio Novoa Cornejo	Colaborador Juridico, Sistemas Informatizados, Centro Judicial, S.S.
Srita. Celmira Rodríguez de	Asistente Administrativa- Depuracion Causas Judiciales
Ing. Melvin Stanley Calderón	Asesor Local Estadística Judicial
Sr. Hugo Liborio	Coordinador de Gerenciamiento de Archivos y Documentos Judiciales
Mrs. Kristin Loken	ODI Director, USAID
Mr. Mauricio Herrera	USAID Project Manager
Mrs. Norma de Mata	Program Officer, Strategic Development Office, USAID
Mrs. Renata de Rodríguez	Contracting Office
Ms. Beatriz Molina	Assistant Project Manager, USAID
Christopher Edwards	Evaluation Officer, USAID

E. Evaluation Work Plan

Work Plan for Assessment of the Pilot Court Project of the Judicial Reform II Project in El Salvador, January 1996

The evaluation team will perform, at the pilot program level, an evaluation of activities at what is commonly referred to as the "pilot project" in San Salvador and Santa Tecla of the Judicial Reform II Project. The purpose of this evaluation is to assess the progress toward the strategic objectives of the pilot project, namely the verification of the appropriateness and readiness of that pilot for nationwide use.

Project Elements

The evaluation team has identified, from material provided, the following pilot project elements:

- development of a system for the rapid reduction of case backlogs
- establishment of a judicial statistical system
- development of an automated caseflow management system
- identification, development and implementation of other automation requirements for the trial courts
- development of a records management and archival plan

Issues Addressed

The evaluation document will address the following points and issues as they pertain to the above outlined pilot project elements.

- A description of the elements of the pilot system in the trial courts which details the changes introduced, the methodology of introduction, the hypothesized impacts and the costs of each element as well as the total pilot costs program.
- An assessment of the theoretical bases for the changes (i.e., do they make sense in terms of what is "known" about court management and organizational reorientation).
- Identification of obstacles to the introduction of the changes and recommendations as to how they may be overcome.

- Recommendations for improvement, either in the model itself or the means of its introduction. Also recommendations for further changes that may require modifications of the system parameters (e.g., changes in legislation, in the human resource base, etc.).
- Recommendations as to the readiness of the model for replication and introduction into other trial courts in El Salvador.

Access to Documents and Persons

The evaluation team will be providing, the following documentation, within seventy- two hours of their arrival.

- USAID evaluation policy and process
- The project paper with the project logistical framework (log frame)
- Project plans for 1993, 1994, 1995 and 1996 in Spanish or English
- Access to all quarterly project reports and any special reports written
- Access to any special program or project reports performed during the life of the project
- Access to any other non classified files and materials as may be needed by the evaluation team for the performance of this limited scope program audit.

The evaluation team will interview all persons they, the mission and the counterparts identity as necessary in order to gain a complete and well rounded picture of the project objectives and the progress toward completion. Those interviewed will include, but will not be limited to, the following individuals.

Chief of Party
Project Court Administrator and Staff
Project Statistician/Data Processing Advisor and Staff
Director of ODI/USAID
Project Manager/USAID
Members of Corte Suprema de Justicia involved in the project
Director of the Unidad Tecnica Ejecutora
Director of the Consejo Nacional de la Judicatura
Judges and staff of all pilot project courts in San Salvador and Santa Tecla

Methodology

Shortly after arrival the evaluation team (ET) will conduct initial interviews with the Chief of Party for the institutional contractor and the Director of ODI and staff. Within forty-eight hours of the meeting with the Director of ODI, the ET will submit a evaluation work plan to the Project Manager.

Upon approval of the work plan, the ET will proceed with the following:

- review of documents provided
- review of project files
- scheduling and conducting of interviews
- observations of courtroom operations
- analysis of automated systems design and documentation
- analysis of project generated statistics and reports

Upon completion of the above tasks, the ET will prepare a written draft report that will be shared in an oral debriefing with representatives of USAID - El Salvador. After discussing the draft report, the ET will conduct any additional field work as deemed necessary. Any changes or additions will be incorporated into the final report.

The final report will be delivered to USAID and Checchi and Company Consulting Inc. within ten days of the ET departure.

F. Financial Information**ADMINISTRATIVE SYSTEMS**

	1993	1994	1995
Salary Long Terms			
HM		\$48,137	\$64,714
LO		\$28,654	\$34,319
Salary Short Term		\$87,549	\$29,079
Total Salaries		\$164,340	\$128,112
Overhead Long Term		\$89,112	\$89,129
Overhead Short Term		\$51,304	\$17,041
Total Overhead		\$120,416	\$106,170
Travel, Transportation & Per Diem		\$64,110	\$19,642
Total Travel, Transport		\$64,110	\$19,642
Allowances		\$32,890	\$35,640
Post-Differential		\$11,519	\$9,903
Total Allowances		\$44,409	\$45,543
ODCs		\$78,515	\$29,066
Sector Assest.	\$172,116		
Total ODCs	\$172,116	\$78,515	\$29,066
TOTAL COSTS	\$172,116	\$471,790	\$328,533
Fee	\$13,769	\$37,743	\$26,283
GRAN TOTAL	\$185,885	\$509,533	\$354,815 \$1,050,233