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MID-TERM EVALUATION

ADMINISTRATION OF JUSTICE SUPPORT PROJECT  
(USAID/EGYPT-Contract: 263-C-00-95-001364-00)

Prepared for  
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

By  
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## List of Acronyms

ADR	Alternative Dispute Resolution
AOJS	Administration of Just Support Project
CMA	Case Management Application
COP	Chief of Party
GOE	Government of Egypt
JIC	Judicial Information Center
MOJ	Ministry of Justice
NCC	North Cairo Court
NCJS	National Center of Judicial Studies
NGO	Non-governmental Organization
PIL	Project Implementation Letter
TOT	Training of Trainers
USAID	United States Agency for International Development

## Executive Summary

The USAID-supported *Administration of Justice Support Project (AOJS)* addresses opportunities for improving the administration of justice in Egypt through: upgrading judges' knowledge of commercial law and decision making skills; improving court operations through reduction of case delay; introducing new strategic thinking, technologies, systems and procedures; introducing alternative dispute resolution (ADR) mechanisms; upgrading the judiciary's access to legal materials through an automated database; and strengthening the Egyptian constituency for judicial reform.

MOJ with AOJS support has succeeded in effectively fulfilling most of the above opportunities. However, ADR, while not officially dropped from the Project, has had only limited attention. Equally, strengthening the Egyptian constituency for judicial reform, of such end users as lawyers and businesspersons, has not received much attention. The following recommendations are intended to advance the Project towards broadening and deepening the significant results already achieved to date.

**Recommendation 1 - Potential role of USAID in Judicial/Legal Reform** The following scenarios are proposed for USAID consideration:

- *Scenario 1* is a no-cost extension of up to one year beyond December 2000 that solidifies the effort to date with North Cairo Court, NCJS, and Ismalia Court.
- *Scenario 2* is a funded extension for two years to complete the present effort and to replicate the approach fully in the Ismalia Court. This scenario would require an MOJ institutional commitment, including GOE financial resources, to accept a nationwide replication of AOJS results.
- *Scenario 3*: A new project, or AOJS II, is an alternative to scenario 2, but with a number of serious reservations based on Project experience to date. Overcoming present constraints would require a much higher profile for USAID in the democracy and governance arena and a much greater resource commitment by the GOE. This scenario could follow scenario 2, given demonstrated progress.

The evaluation team supports scenario 2 as the most practical and feasible recommendation given current expectations and constraints.

**Recommendation 2 - Techno-Fix or Managed Organizational Change** Because of the tendency of recipients to focus on computer technology in contrast to organizational change, any new USAID financial support should clarify in advance precisely what computer systems costs the Project will bear. There should be a clear delineation of MOJ financial responsibilities for shared and recurrent costs, as well as a commitment to required organizational changes.

**Recommendation 3 - The Management Challenge of Constituency Building** In order to broaden its base of support, the Project should devote increased attention to the task of constituency building. Businesspersons, lawyers, NGOs and other groups that are potentially important in the maintenance and replication of Project successes should be enrolled, possibly through other USAID projects or activities. The AOJS chief of party, with the senior judicial advisor, should take the lead in this endeavor with the active involvement of the MOJ and the USAID technical representative. The Training unit should support this effort.

**Recommendation 4 - Streamlining Court Procedures** Although AOJS should maintain its support for professional court administration in Egypt, it should continue to implement interim case-management measures, such as working with the follow-up judges and the monthly meetings with the experimental panels. The monthly meetings should include chief justices, inspection judges, and/or follow-up judges. In order to include lawyers, who are potential change agents, AOJS should contact lawyer groups, such as faculty of law graduate associations, as possible recipients of technical assistance and training. AOJS should explore with MOJ the possibility of expanding ADR programs to include a) mandatory court-annexed arbitration for commercial cases with a value below a certain level; and/or b) early neutral case evaluation. MOJ, USAID, and AOJS should work with the Supreme Judicial Council to minimize the rotation of experimental and follow-up judges.

**Recommendation 5 - Responsibility for Maintenance and Replication** In order to ensure maintenance and replication of Project advances, MOJ should designate specific offices with direct responsibility for each component of the Project. For training, NCJS is clearly the appropriate institution. The MOJ should designate an analogous office for the court administration component of the Project. For automation, JIC would seem to be the appropriate entity. However, USAID/AOJS and MOJ should immediately begin a process leading to agreement on a) what changes are needed at JIC to equip it for this role, and b) the responsibility of each of the two institutions for funding these changes, with specified time frames.

**Recommendation 6 - Home-based Personal Computers for Experimental Judges** AOJS should continue to work with MOJ toward approval of either a private sector CD-ROM or JIC's CD-ROM, to include current legislation and Court of Cassation opinions. A needs assessment for additional training in computer skills, Internet and legal research data base should be completed.

**Recommendation 7 - Need for Continued Training Support of New NCJS Organizational Management Systems** In order to maintain and build on present gains, AOJS and MOJ need to agree on continued support of the new management systems. Although some progress has been made, an office automation specialist should continue to work in restructuring NCJS operations to take advantage of new office automation capabilities. AOJS should sponsor a master training of trainers (TOT) course for core NCJS staff and selected judges who have participated in previous TOT training. This will enable NCJS to provide basic TOT training to additional judges. Management training should be extended to chief judges, chief judge designates, and follow-up judges. AOJS should continue to support development of training programs for new and sitting judges.

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The mid-term evaluation of AOJS, carried out in Egypt during April 3 - May 10, 1999, reports on the partnership formed by America-Mideast Educational and Training Services (Amideast), the U. S. Agency for International Development (USAID) and the Ministry of Justice to meet the special objective of improving Egypt 's civil legal system. Its purpose is to assess progress of AOJS in achieving improved efficiency in two pilot court systems and improvement in judges ' knowledge and application of Egyptian civil law.

The original strategy of the Project was to focus on a small regional court. Early on the MOJ decided to shift focus from the original pilot court in Ismalia to North Cairo Court (NCC). The move to NCC, with maintenance of only informal AOJS links to Ismalia court, altered the Project strategy by tackling a much more complex court system. Even given significant Project successes in NCC, the evaluation team nevertheless believes that the change in primary focus from Ismalia to NCC was ill advised.

*Court Administration* The implementation methodology adopted by AOJS for court administration has been appropriate to the environment. It has resulted in many judges taking greater control of their caseload, aiming to reduce case delay. The role of removing obstacles to speedy caseload in NCC now resides in part with the follow-up judges. Monthly meetings with experimental panels to help them identify and remove the causes of case delay is another innovation of AOJS.

Successes in streamlining court procedures also include: the relocation of all case initiation procedures in one place; encouragement of the Service Department to serve summonses more rapidly; the redesign of the case file folder and the plans for the new Archives space in NCC; the signs placed in public areas of both pilot courts to orient the public as to where to go to transact their business; the complete modernization of the Typing Pool (NCC); the division of civil case activities from criminal case activities (NCC); and the establishment of morning and afternoon sessions for the holding of hearings (NCC).

Regarding access to legal information, as a direct result of Project activities, 80 judges at the North Cairo and Ismalia Courts of 1st Instance have lap-top computers in their homes and are trained in their use and in how to access an on-line legal database. While use of the legal information database is relatively small, overall use and satisfaction with the computers are significant.

*Judicial Training* Chief justices, chief judges and judges who have received AOJS training in commercial law indicate that they are becoming more knowledgeable and applying their learning in making more informed, timely judgements

Approximately 60 judges who teach NCJS courses have received TOT training. Judges who completed this course are now using more interactive means of instruction and employing modern audio-visual training equipment to enhance learning. AOJS also organized a management and leadership program. Senior NCJS staff and the chief justices of North Cairo, Ismalia and other courts who participated in this training rated it highly important to their improved work performance. Recent AOJS training has been increasingly targeted to support court administration improvement.

## Chapter 1: Introduction

This mid-term evaluation of the Administration of Justice Support Project (AOJS) was carried out in Egypt during April 3-May 10, 1999. It reports on the partnership formed by America-Mideast Educational and Training Services (Amideast), the U. S. Agency for International Development (USAID) and the Ministry of Justice to meet the special objective of improving Egypt's civil legal system. The evaluation provides conclusions on progress in fulfilling Project purposes, lessons learned from experience to date and recommendations on program and resource decisions concerning the scope, scale and life of the Project. AOJS is one of USAID's first major efforts with the Government of Egypt (GOE) in judicial reform and one of only a limited number of activities falling under USAID's Democracy and Governance strategy. For these reasons the evaluation has important implications for USAID's mid-long term strategy.

### A. Purpose

The evaluation's purpose is to assess progress of AOJS in achieving improved efficiency in two pilot court systems and improvement in judges' knowledge and application of Egyptian civil law (see Annex A for the evaluation Scope of Work). It is organized largely along lines of the results framework, including selected performance indicators, agreed to by the three partners. The evaluation reviews what has worked well and what has not worked well in the two above areas and in Project implementation. It also examines the appropriateness and effectiveness of the original project design for achieving goals that were established over two and a half years ago. While it is still too early to assess the Project's impact, progress toward long-term objectives and the potential for their achievement are addressed.

### B. Background

The origins of AOJS date to 1986, at which time the Egyptian Judicial Conference determined that there was a serious problem of case delay in the national court system. Attributing such case delay to weak court administration and case management, the Conference recommended improvements in those areas, including reengineering and caseload management automation.

The Project's focus on commercial law courts is in part a response to certain historical precedents that favored law and a legal education based on socialist doctrine and domination of the public sector, in contrast to individual property rights and commercial law. Legal education in the socialist era led to weaknesses in the capacity of judges and lawyers to interpret and apply new laws, especially commercial laws. In the face of unpredictable and inconsistent judgements, businesspersons often forego their legal rights by not bothering to take their cases to court. Besides the normal risks of doing business, the added risk to investors of working in a system where an investor has questionable legal recourse, represents a major obstacle to increased investment.



In the face of an increasing backlog in court caseloads and growing dissatisfaction from inside and outside the court system during the decade that preceded the start-up of AOJS, the Ministry of Justice requested assistance from USAID. This resulted in the identification of the AOJS Project, based in part on the assumption that the US court experience in reducing civil case delay would be relevant to Egyptian courts.

### C. Project Overview

The USAID request for proposal (RFP) for AOJS listed six major constraints to the effective administration of justice in Egypt. These constraints were also reflected in Amideast's revised proposal of March 1996. Since they are used in framing this evaluation, these constraints and corresponding Project objectives identified to overcome them are presented in the following table.

Table 1: Constraints to the Administration of Justice and their Correspondence to AOJS Project Objectives Intended to Overcome Them

Constraints	Objectives
1-Insufficiently trained judicial personnel	1-Upgrade the judgeship and decision-making skills of the judiciary -Strengthen the National Center for Judicial Studies in terms of its organization, administrative operations, technical competencies and services
2-Inadequate and outdated court procedures which invite stalling tactics in processing cases	2-Improve court operations and reduce case delay through systems reengineering (both manual and automated), judicial sector staff training in administering and operating the new systems and procedures
3-Ineffective sanctions or other mechanisms to enforce decisions or adherence to procedures	3-Introduce new strategic thinking, technologies, systems and procedures consistent with local norms and sustainable by local institutions
4-Lack of alternative methods for dispute resolution	4-Introduction of alternative dispute resolution mechanisms offering viable respected methods for resolving conflicts outside the courtroom
5-Difficult access to legal information by both the judiciary and the general public	5-Upgrade the judiciary's access to legal materials through the use of an automated database *Strengthen the Egyptian constituency for judicial reform
6-General lack of familiarity with and responsiveness to needs of the emerging private sector on the part of the judiciary	6-Upgrade the judiciary's knowledge of commercial law and other key areas of civil law critical to Egypt's economic development

Number 4, alternative dispute resolution (ADR), while not officially dropped from the Project, is presently being implemented only in limited fashion. Chapter 3 will address this matter. The one point at which there is uncertainty of a direct correspondence between the constraint and objective is represented by an asterisk in the fifth row of the right hand column. The objective of "strengthening the Egyptian constituency for judicial reform" may not precisely address the constraint of "difficult access to legal information by the general public." However, overcoming that constraint could conceivably lead to improved

information, which in turn might result in a strengthened constituency. Constituency building, which is not a full-blown AOJS activity, is addressed in subsequent chapters.

In responding to the goal of an improved civil legal system, and specifically to the need to reduce case delay in the Egyptian civil and commercial court system, AOJS specified the achievement of three major objectives, as follows: (a) demonstration of administrative procedures, both manual and automated, in pilot courts; (b) assistance to the National Center for Judicial Studies in both administration and curriculum; and (c) demonstration of judicial access to national databases from in-home computers. The first of these is identified by Project documentation as a "necessary condition" for success. The intended results of achieving these three objectives are both administrative and substantive improvements in the courts.

Six tasks define the activities required to reach the major objectives listed above. These are: establishment of project office (completed); constituency building; strengthening NCJS research and administration; training courses for new and experienced judges; automation and procedural reform in pilot courts (namely, in North Cairo and Ismalia Courts); and judges' home-based personal computers. A seventh task of regulatory reform was eliminated because it was found to be beyond the manageable interest of the Project.

These tasks are carried out under a five year, performance-based contract awarded to Amideast. Budgeted at 17,300,000 USD, AOJS commenced on March 1, 1996 and is scheduled to continue through the end of December, 2000. Amideast's selection was based on a longterm presence in the Middle East, including Egypt, exposure through a training perspective to Egyptian civil legal issues, and a competitive technical proposal. Its main subcontractor, the National Center for State Courts, was selected for its institutional reputation and its provision of staff and consultants, who are experienced in administering court reform.

The AOJS team comprises three working groups dedicated to activities in, respectively, court administration, automation, and judicial education. Each working group includes an American and Egyptian expert, whose work is coordinated by a former senior American judicial official specialized in court administration and management. The Project is managed by a seasoned development manager. USAID technical oversight is carried out by an Egyptian attorney and former judge, trained in Egypt and the US.

#### **D. Methodology**

The evaluation methodology is based on rapid appraisal techniques consisting of key informant interviews, focused-group discussions, and on-site observations. A review of documentation was made prior to and continued during the fieldwork in Egypt. Interviews were held with senior officials of the Ministry of Justice (MOJ), judges and court staff, NCJS senior officials and staff, selected private sector attorneys, businesspersons and business association representatives, USAID officials and AOJS Project management and technical

staff. Site visits included the North Cairo Court, MOJ Experts Department, NCJS, Ismalia Court, Judicial Information Center, Court of Cassation, other MOJ offices and an AOJS-sponsored conference for judges in Ismalia. Throughout the evaluation, interviewees were cooperative and responsive to the team's inquiries. An Arabic language interpreter assisted in many of the interviews and site visits.

The evaluation was carried out by three development professionals experienced in evaluation and implementation of democracy and governance (DG) programs. The team leader is a specialist in evaluation, strategic planning and performance monitoring of DG activities and in the socioeconomic development of Arab societies. The court administration specialist is an attorney specialized in the long term implementation and evaluation of administration of justice and other development activities. The judicial training specialist is experienced in development training and education in developing countries, particularly focusing on Arab societies.

#### **E. Organization of the Report**

Subsequent chapters are organized as follows: Chapter 2 reviews constraints and opportunities facing AOJS, its management and implementation, and potential for impact. Chapter 3 assesses AOJS impact on the court administration systems in the pilot courts of North Cairo and Ismalia, with a focus on case management and managed change. Chapter 4 assesses AOJS impact on judicial training in the context of the NCJS and North Cairo Court, with a focus on training in organization management, computer technology and legal subject matter. Chapter 5 presents general conclusions, lessons learned, and recommendations.

## Chapter 2: Design and Implementation Considerations

This chapter reviews the design of AOJS to determine its appropriateness, effectiveness and potential for impact. The review is carried out in the context of two related objectives. First is the USAID special objective of an "improved civil legal system." Second are the dual targeted objectives of improving the efficiency of two pilot court systems and improving Egyptian judges' knowledge of civil law. Another purpose of the chapter is to review the appropriateness and effectiveness of AOJS implementation and management organization. It underscores, among others, issues raised in the evaluation Scope of Work under the headings "institutionalization," "performance," and to the degree feasible, "impact." It also sets the stage for the subsequent chapters that assess, respectively, court administration and judicial training activities.

### A. Constraint and Opportunity Assessment Overview

#### A Judge-Centered Approach

As defined in Chapter 1, AOJS is a response to major constraints in the judicial legal sector. The Project takes place in the context of a traditionally independent corporate judicial body that sharply distinguishes itself from the executive and legislative branches. Judges are part of an exclusive grouping rooted mainly in the upper echelons of the Egyptian social class system, though at the same time membership in that select fraternity is based on the merit of individual law school performance. Judges normally serve first as prosecutors for at least six years, followed by movement through a series of ranked judgeships.

Interviews with judges participating in AOJS, including beginning judges, chief judges (heads of panels) and chief justices (heads of courts or equivalent), revealed a strong sense of individual and collective pride in their professionalism and judicial service. They were also found to be highly career minded, with an interest in moving up through the court system to positions of leadership. This attitude prevailed throughout the interviews, despite the general knowledge that there is a widespread perception of public dissatisfaction with the Egyptian court system's capacity to deliver justice efficiently. Mirroring that perception is a telling quote from a recent special issue of *The Economist* devoted to a survey of Egypt:

*Law suits go cumbersomely on for ten years and more: according to one study, it can take 77 bureaucratic procedures in 31 different offices to register property. Attempts at reform have on the whole been fairly timid. (3/20/99:4)*

Judges are acutely aware of the backlog problems and negative public perceptions and most have a strong commitment to resolving them, though there are wide variations of opinion on how to do this.

Judges were generally found to be receptive to their exposure to American judiciary practice as one approach to streamlining their case management system. They were also open to new

sources of legal knowledge. Due to AOJS' narrow targeting of court efficiency and judicial training, these new external influences do not ostensibly threaten the traditional role of the Egyptian judiciary, in terms of either its strong sense of judicial independence or the larger question of national sovereignty. Since the Project affects only a small, though not unimportant, aspect of the judicial system, its intended impact has not been perceived as "meddling" or "intrusive." Had it been perceived as a profound restructuring and reform of the judicial system, it would not have been accepted by the GOE in the first place.

Interviews with senior MOJ officials suggested that their full ownership and control of the AOJS process and results, at least in concept, have never been in question. In fact, some senior court officials pointed out that they had already introduced some key management reforms in their courts prior to the startup of AOJS.

One of the spinoffs of this judge-centered activity was an MOJ decision early on to shift from the original pilot court in Ismalia to North Cairo Court (NCC). The original strategy of the Project was to start in a small regional court and move out to other regional courts. The move to NCC, with maintenance of only informal AOJS links to Ismalia court, reversed the Project strategy by tackling a much more complex court system.

That said, there were forces in MOJ that influenced the shift to NCC: the "Cairo-centered culture" that influences many Egyptians' desire to deal with problems from the perspective of the capital city; the perception that NCC "needed assistance;" the possibility that the pro-reform Chief Justice in Ismalia might be leaving his post (which did not happen); and influence from a strong, equally pro-reform NCC Chief Justice (who subsequently rotated from that post). AOJS and USAID decided that it was not feasible administratively or logistically to implement all Project activities simultaneously in both NCC and Ismalia.

Even given significant Project successes in NCC, the evaluation team nevertheless believes that the change in primary focus from Ismalia to NCC was ill advised.

#### A Potential Role for non-Judicial Constituents

One key constraint in the Project design is that AOJS will directly affect only two pilot court systems and selected numbers of judges and court and NCJS staff. It can not be expected to have broad, nationwide impact. AOJS, as now designed, is a "supply side" versus "demand side" activity, in which judges are the primary recipients of resources. Insufficient attention has been paid to broadening out from its present narrow base to address the demands of such "end users" as lawyers and businesspersons who use the courts for processing commercial law cases. However, a Project survey of lawyers' perceptions towards court operations, a newsletter, meetings with business leaders and law firm representatives, and a few other activities, represent at least some effort to respond to the constituency building objective.

A few, selected interviews by the evaluation team with well-placed businesspersons, lawyers, and business association representatives, however, suggested that, to date, the Project has had little effect on these constituents. And, even though there are serious legal restrictions on

civil society stakeholders in pressing for more government transparency and efficiency, there is clearly a greater opportunity for the Project to address such stakeholder "demand." The evaluators have determined that the effort in constituency building to date is insufficiently focused to achieve the intended results.

### A Technical/Hardware "Fix" versus Human Resource Management

Many judges who were interviewed, regardless of their position in the judicial hierarchy, expressed a strong interest in the full automation of the entire court administration and management system. Interviews and focused-group discussions underscored two general perceptions of judges concerning the full automation proposition: one bespeaks of the need to have state-of-the-art technology because "our work deserves it," the other of how this technology will naturally reduce "our already burdensome workload and make us more efficient." These prevailing perceptions are due to judges' growing exposure to information age technology through their use of computers and computer training provided under AOJS, their leadership's support of those perceptions, and the prevailing sense that the Project can provide all means of computer technology.

Both as a Project design concept and in response to the growing demand for computer technology, AOJS and USAID have carefully balanced the provision of technical-hardware solutions and management organization techniques and skills. This is not only a cost-effective orientation, given that demand for computer systems has a habit of growing geometrically. It is also part of an overall strategy to emphasize the management organization aspect of court reform.

An example of the Project approach to this technical-organizational balance is a project implementation letter (PIL) from USAID to the MOJ dated September 29, 1997. It stated that USAID would no longer entertain further requests for a "masterplan to modernize all of MOJ." In attempting to scale back these requests, the PIL reiterated an earlier assessment that "not every process or all parts of the courts need to be automated."

MOJ leadership forcefully underscored during interviews not only its ownership but its commitment to replicate and sustain the results achieved under AOJS once the Project is over. At the same time, it has continued to return to the theme of more assistance in the provision of computer technology. In an April 14, 1999 official MOJ request through the Ministry of International Cooperation to USAID for an extension of AOJS, extensive computer technology assistance is implicit. How much of the potential bill USAID and AOJS are willing to entertain will no doubt be based on the aforementioned balance of technical-organizational needs, alongside the principles of incrementalism and sustainability.

The evaluation team learned that MOJ has supported certain aspects of the Project with its own resources, such as costs of NCJS reconstruction and furnishings. However, it found that a significant resource commitment from MOJ that will contribute to sustaining AOJS activities was missing. The number of computer users, computer technical specialists, and network managers who have been trained will need refresher training, and database and

automation systems will need to be maintained and updated. However this is done, whether through MOJ staff resources or private sector contractors, there are serious organizational and budget implications to be addressed. This remains so even before a decision is made to replicate the automated case management system to non-pilot courts.

## **B. Management and Implementation Assessment**

### Effectiveness of Team Composition and Management Organization

Since a project design document was never produced, the proposal itself was used to frame resource discussions with the GOE. This situation led to very high expectations of Egyptian counterparts, which were compromised by an almost fifty percent cut in AOJS' budget during pre-award negotiations. These high expectations, as noted earlier, linger to this day.

The Project took a very long time to get underway. Extended deliberations between USAID, Amideast, and MOJ delayed the startup, requiring Amideast to recruit practically an entire new team due to loss of many of the original candidates. In addition, the first chief of party (COP), a US senior judicial official, who had no USAID/developing country experience, served as both Project manager and technical consultant. Such an arrangement did not work, the result of which was that the COP was replaced and Amideast very prudently split the functions of management and legal/judicial technical assistance. A new COP and US senior judicial official were recruited in mid-late 1998. The present arrangement, described below, has worked effectively.

The evaluation team has concluded that the AOJS Project design has an appropriate balance of essential tasks. These include human resource development, institutional capacity building, and management reengineering (both technical and organizational). Their successful implementation is the result of the technical knowledge and skills, strong interactional capacity, and level of enthusiasm and commitment of AOJS team members.

Interviews with the COP, the senior judicial advisor, and the three working groups clearly underscore the team's highly appropriate mix of technical, managerial, and cross-cultural skills. MOJ officials interviewed and site visits to courts, NCJS and other MOJ facilities, evidenced warm respect for the AOJS working groups. The pairing of Egyptian and American experts in the same working group and the balanced gender mix of the case management and judicial training groups have been especially effective in winning respect. The evaluators observed very positive interactions of these working groups with their counterparts.

The current senior judicial advisor has made effective headway in working with his Egyptian judicial counterparts and in coordinating the working groups. While not a development specialist, *per se*, his US court management background, his stature as a senior American judge, and a sympathetic orientation to his Egyptian counterparts contribute to Project success.

The COP has brought a disciplined attitude and practice to the Project. His approach is especially effective in responding to the USAID results and performance monitoring orientation and in bringing an authoritative presence to certain debates with AOJS counterparts that otherwise appeared to have no end in sight. One area that could benefit from a joint effort of the COP and the senior judicial advisor is the constituency building arena. As mentioned earlier, this is an area the evaluators feel has been relatively neglected and needs attention.

#### USAID Management and Leadership Role

USAID's technical representation for AOJS is in the very capable hands of an Egyptian attorney and former judge with roots in the judicial tradition. His graduate legal training was done in the US. He brings a stature to the Project that is highly respected by senior MOJ officials and judges throughout the Ministry. It is a unique situation for USAID to have this level and quality of interaction with a Ministry that has traditionally been closed to foreign influence. He could add a significant presence to the constituency building effort, in lending his influence as USAID technical representative, in addressing the demand side for judicial reform.



## Chapter 3: Assessment of Court Administration

### A. Introduction and Background

This chapter deals with the activities carried out by AOJS in the areas of Streamlining of Pilot Court Procedures (Tasks 5 and 5A), and Home Based Personal Computers for Judges (Task 6). These activities address USAID'S Intermediate Result #1, Improved Efficiency of Two Pilot Court Systems: Result C.1.1, Improved Administration of two Court Systems; and Result C.1.2, Improved Access to Legal Information in two Pilot Court Systems.

To accomplish the Intermediate Result of Improved Efficiency of two Pilot Court Systems, two Results and a total of six indicators were jointly developed by USAID and AOJS. The most relevant indicators are: (1) Measurable improvement in lawyers' perceptions toward court operations; (2) Reduction in case processing time; and (3) Increased percentage of judges and court staff with access to a legal information system.

### B. Findings

#### Result C.1.1, Improved Administration of Two Court Systems

With regard to the first of the abovementioned indicators, a baseline survey of 89 civil/commercial lawyers who have a majority of their cases at NCC was done at the end of 1997, with a follow-up survey one year later. During that time period the average perception went from "Poor" (2.13 on a scale of 5) to barely "Acceptable" (2.58 on a scale of 5), a percentage increase of 21%. (The AOJS planned increase for the same period was only 5%). The lawyers were most impressed by the positive changes in the areas of fees payment, case microfilming, ground floor filing, acknowledgment of service, judges respecting the official starting time of hearings, and the sessions attendance system and size and condition of hearing rooms.

These findings are probably attributable to the reengineering and other steps that NCC, with the assistance of AOJS, has taken to streamline procedures--the relocation of all case initiation procedures in one place, encouragement of the Service Department to serve summonses more rapidly, and the monthly meetings with experimental panel judges to encourage judicial action to reduce case delay. In the evaluation interviews these initiatives were frequently mentioned by the judges and staff as beneficial in achieving improved efficiency. Lawyers at one of the law firms interviewed by the evaluation team also reported that there has been an improvement in the process of filing cases at NCC.

Although there are no data yet to show a direct relationship with lawyer satisfaction or case delay reduction, other reengineering steps undertaken by the Project are also likely to have a positive impact on the efficiency of the two pilot courts. These include the redesign of the case file folder and the plans for the new Archives space in NCC (the Ismalia Court file area

has also been redesigned); the signs placed in public areas of both pilot courts to orient the public as to where to go to transact their business; the complete modernization of the Typing Pool (NCC); the division of civil case activities from criminal case activities (NCC); and the establishment of split sessions (morning and afternoon) for the holding of hearings (NCC).

With regard to the reduction in case processing time, the situation is less clear. Two of the three units of measure show a dramatic improvement, much more than was planned, but the third shows a slight deterioration. More importantly, however, as the Results Report for 1998 points out, the data are questionable.

Even though the case delay reduction data are not yet persuasive, in many of the evaluation interviews there was a perceptible commitment to the idea of reducing case delay. Particularly striking were the positive responses of many judges as to the impact of the monthly meetings with AOJS staff regarding case management. Also striking in this regard were the interviews with follow-up judge. Several of them showed real enthusiasm for the administrative responsibilities which have been added to their normal responsibilities as chief judges, and which, if handled well, should significantly reduce case delay.

#### Result C.1.2. Increased Access to Legal Information

The final indicator to be dealt with in this chapter--increased percentage of judges and court staff with access to a legal information system--is relatively easy to measure. Before the AOJS Project none of the pilot court judges and staff were trained on or had access to legal information databases. Now, as a direct result of Project activities, 80 judges at North Cairo and Ismailia Courts have lap-top computers in their homes and are trained in their use and in how to access an on-line legal database.

However, in spite of the lap-tops and the training, the rate of usage of the legal information database is relatively small. According to monitoring carried out by the Data Base Corporation (the system's proprietor), during the approximately two and a half months from the end of their training until the end of the 1st Quarter 1999, 27 judges had not used the service at all, 22 had used it less than one hour, and no judge had used the service more than ten hours. As reported by the judges interviewed, the reasons for this were primarily that (1) they often get a busy signal when trying to get on-line; and (2) their dissatisfaction with the quality of the database provided.

In spite of these problems, most of the judges interviewed said they were glad to have the computers and to have received computer training. More judges reported using their computers for the preparation of judgments rather than for legal research.

The high cost of lap-tops compared to desk-tops is an important issue. Since judges have no opportunity to use their computers at NCC, there is little justification for spending four or five times as much for a lap-top, especially since it is harder to maintain and upgrade and is more vulnerable to theft and shock damage. AOJS strongly advocated desk-tops, but was overridden by MOJ.

Automation of the case management system is the remaining, extremely important component of the Project. Early on much time was lost in debates between AOJS and MOJ over the scope of the automation. The lack of agreement arose in large part because the Project proposal was used instead of a Project design in determining the scope of the Project.

Amideast's proposal for automation was very ambitious. It contained language suggesting, for example, the automation of financial management of the courts. The proposal also called for the development of a software system from the ground up. Amideast's proposed budget was cut by almost 50% during negotiations with USAID. Consequently, Amideast felt it was able to provide only a much more limited version of court automation. Citing the above-referenced language, MOJ insisted that these and similar items be included. A full year passed after Project mobilization before USAID defined the scope of Project automation more narrowly. During this time, however, the relationship between MOJ and AOJS was comprised.

A related finding is that there was inadequate supervision of the automation subcontractor. As a result of this, the subcontractor spent its full five-year budget in the first two years of the Project.

The automation plan is now proceeding, but the time available for the necessary design, translation, installation, training, testing and modification is extremely short. Only if there are no further unforeseen delays (which is highly unlikely, given the experience of automation implementation elsewhere) will there be enough time for this activity to be successfully completed before the scheduled end of the Project.

### C. Analysis

For the most part, the implementation methodology adopted by AOJS has been appropriate to the environment. Examples of this are the means utilized for inducing judges to take greater control of their caseload, aimed at reducing case delay. At the beginning of the Project the concept of civil prosecutors responsible for speeding caseload was still alive. When it became apparent that this idea, which required legislative action, was not moving, it was thought that this role could be filled by non-judge case managers. That idea, in turn, was rejected by the Chief Justice of NCC on the grounds that only other judges would have the necessary authority to work with panel judges to help move cases along. Thus, the role of removing obstacles to speedy caseload in NCC now resides in part with the follow-up judges. The Project is working with those follow-up judges to help them with these obstacles.

AOJS has also developed the mechanism of monthly meetings with the experimental panels to help them identify and remove the causes of case delay. These two mechanisms, the follow-up judges and the monthly meetings, seem to be having a very positive impact on the experimental panel judges, as evidenced by their responses in the evaluation interviews. However, an important element lacking in the monthly meetings is a higher level of MOJ authority--be it a judge from the Inspections Office, the Chief Justice of NCC, or the

follow-up judges. To maximize impact on the experimental panel judges, the monthly meetings need higher-level MOJ participation.

Other problems with the follow-up judge system are that the judges are not trained as managers and are not full-time in that role (they still have their normal chief judge functions to fulfil).

Implementing manual reengineering prior to automation, thereby avoiding automating inefficient procedures, has also been an effective implementation strategy. The Project has undertaken a series of visible and often inexpensive improvements that have been important to MOJ and public perception that the Project is having a positive impact.

Annual judicial rotations will probably continue to be a problem for the Project. If a large number of the experimental panel judges are rotated out of NCC in October, new experimental judges will have to be oriented to the Project and trained in computer and Internet use. Rotation of follow-up judges could pose a similar problem.

AOJS's plans to reduce caseloads by urging experimental panel judges to encourage litigants to use ADR mechanisms are not presently being effectively implemented. This deprives the Project of an important potential resource for reducing case delay by eliminating part of the existing caseload and/or reducing the number of new cases filed.

The lack of lawyer participation in the planning and execution of the Project is unfortunate. Lawyers practicing in the NCC (most of whom have cases in other courts as well) could be an important asset in Project replication elsewhere. An immediate concern caused by the lack of lawyer participation arises with the implementation of the new system of file folders. The new system requires use of a uniform size of paper, which is a significant change for many lawyers: since the Project has so little direct contact with lawyers, information about this has not been given to them in a systematic way.

As noted in the finding section, automation of the case management system has suffered from many delays and is presently at risk of not being fully implemented by the end of the Project. AOJS must do whatever is necessary to avoid further time slippage.

The future role of the Judicial Information Center (JIC) as the entity responsible for the maintenance and replication of the Case Management Application (CMA) needs clarification and strengthening. There is a common perception that JIC, as currently constituted, is not capable of shouldering that burden. AOJS has made concrete recommendations to enhance JIC's capacity, to which MOJ has not yet responded. At the very least, AOJS and JIC should be communicating closely regarding replication plans. This communication does not seem to exist.

A very positive aspect of the AOJS Project has been the inter-component collaboration. For example, there has been cooperation between the court administration component and the training component in the context of reengineering (specifically, the "Change Agent Skills"

and "Customer Service" training programs for staff involved in reengineering), as well as the recent Ismalia case management workshop. Another example is the collaboration between the court administration and automation components in the context of the CMA and the computerization of case-initiation procedures. A final example is the cooperation between the training and automation components regarding computer training.

The 80 lap-top computers provided to the experimental panel judges are being used primarily for the production of judgments. The judges almost uniformly recommend that they be given refresher training in the use of computers, Internet and the data base; and that they be given access to a legal data base in CD-ROM form, rather than on-line. AOJS also advocates the CD-ROM format. Thus far, MOJ has not approved the use of CD-ROMs, apparently based upon (1) the fact that JIC's CD-ROM is not yet complete; and (2) MOJ's fear that a private sector company cannot be trusted to provide a completely accurate version of the judicial precedents and statutes.

## Chapter 4: Assessment of Judicial Training

### A. Introduction and Background

This chapter assesses the judicial training activities of the AOJS project. These activities directly relate to Task 3, Strengthening NCJS Resources and Administrative Capacity, and Task 4, Development of Courses for New and Experienced Judges. These tasks support the second intermediate result: C.2. - Judges More Knowledgeable of Egypt Civil Law. Unlike the pilot courts component, AOJS/NCJS training benefits judicial and non-judicial staff throughout Egypt. AOJS training also includes US and in-country training that supports Task 2, Constituency Building. Finally, AOJS training staff are planning and implementing training at the pilot court-level in support of the revised court administration systems.

### B. Findings

The AOJS project is making excellent progress towards achievement of Result C.2., Judges More Knowledgeable of Egyptian Civil Law. The initial measure for this is pre- and post-test scores. Judges affected by the program indicated that they are becoming more knowledgeable of Egyptian civil law and applying it in making more informed and more timely judgements.

NCJS staff admitted that there was initial hesitation about using this means of measuring learning. However, they reported that both instructors and participants were enthusiastic at the end of courses, when they could see the increase in post-test scores in the six new commercial courses. Participants commented favorably on the use of modern training equipment and methods that have also been adopted by other NCJS training programs.

#### Result, C.2.1. Enhanced Educational Infrastructure at NCJS

NCJS physical infrastructure has markedly improved since the initial assessments. The MOJ has supported NCJS through extensive refurbishing of the Center. To accommodate increased activities, the facilities have been expanded to include the fifth floor. These facilities have well lighted and air conditioned class rooms.

Strong initial results are demonstrated in the recent addition of 45 networked personal computers used by staff and in the Personal Computer Literacy Laboratory. Audio-visual equipment and other training aids have also been introduced. NCJS staff are receiving training in Microsoft Office (Arabic). Staff were observed using the computers in their daily work and have already modified their work processes, for example, by the use of templates and email.

One department that did not receive computer equipment was the Student Affairs Office. Several staff commented on this unfavorably. The absence of Project supported automation to this office is an issue that should be examined. The continued automation of NCJS is

addressed in the report, "Analysis and Recommendation for Revised Workflow Process for the Development of NCJS Education Programs." This report was based on a study conducted by an AOJS consultant.

The human changes that shape how NCJS staff now perceive and carry out their work are equally important as changes in physical infrastructure. An AOJS workshop that addressed the human engineering of judicial education, "Fundamentals of Judicial Education Philosophy and Practices" was favorably reviewed by NCJS staff. This workshop provided an overview of the principles of adult education and the cycle of course development. It led to the development of the NCJS Judicial Strategic Plan, that has served as a guiding document for continued development of the Center's capabilities.

Significant results were achieved through the Training of Trainers (TOT) course. This course was developed for approximately 60 judges who teach NCJS courses. Discussion with instructors and participants indicate that judges who completed this course are now using more interactive means of instruction and employing modern audio-visual training equipment to enhance learning. The initial participants in this course were judges who were teaching the commercial law courses and those who participate in the training program for new judges.

NCJS staff is now completing extensive plans for revamping the new judge training each summer. This training is conducted for some 250 new judges who have worked as criminal prosecutors for some years during which they had no civil law experience. The Summer 1999 new judge orientation will be the first to incorporate the new training curriculum.

AOJS has supported NCJS in organizing a nine-module management leadership program, conducted three days a month for nine months. The program is designed for senior NCJS staff and the chief justices of North Cairo, Ismailia and other courts. All participants interviewed commented on the usefulness of these courses. An illustrative result is an NCJS Counselor who analyzed his daily time management, and subsequently altered his workspace so as to avoid interruptions by visitors and phone calls.

#### Result C.2.2 Enhanced Curriculum

The AOJS Project has made great strides towards enhanced curriculum. NCJS developed six new commercial law courses with input from subject matter experts and the AOJS training team. These have been offered at several locations throughout the country. Course instruments developed include: standard formats for training materials; evaluations for participants and instructors; and manuals for the computer laboratory. NCJS will use these manuals in conducting judicial and non-judicial training after NCJS own staff have completed their own computer training.

### C. Analysis

The training component of the AOJS Project is widely considered a highly successful part of the Project by both MOJ and USAID. Credit is due both to efforts of the AOJS training team, that have worked as a strong bi-national team, and a high degree of support and cooperation by the NCJS.

Questions about resources commitments have caused some difficulties and delays. For example, an early survey of NCJS operations, conducted by an AOJS subcontractor, examined all NCJS components, including administrative functions. This survey generated unrealistic expectations that non-education systems would be automated by the Project. Another difficulty was that a study tour to the US, which gave participants opportunities to view state-of-the-art automated systems, may have created false expectations that were beyond the scope of the Project.

The indicators established for measurement of the training-related results of the Project are generally sound, although it is suggested by the evaluators that additional focus be given to measurement of impact. One issue involving indicators is the use of pre- and post-test scores as an arbitrary measure. This measure addresses only one of the levels of training results now employed by USAID. It is suggested that this additional focus be placed on the application of skills and improved performance at the workplace. This should lead to improved evaluation and reporting, and ultimately to improved training results.

The remaining issues of concern to the training component of the Project relate to sustainability of the results already obtained, expanded constituency building activities, management leadership, training of trainers, computer skills and equipment maintenance and support.



## Chapter 5: General Conclusions, Lessons Learned and Recommendations

General lessons learned (LL), the conclusions on which they are based, and recommendations follow.

**LL 1. *Potential for Continued Role of USAID in the Judicial/Legal Reform Process***  
*Almost by definition, judicial legal reform, no matter where it occurs, is a gradual, evolving process. A traditionally conservative, independent judiciary will naturally limit judicial reform to politically safe arenas where the judicial leadership feels it is not at risk. Efforts by an international donor to effect judicial reform in such a context are best commenced modestly and targeted narrowly.*

Through a long, involved but ultimately successful dialogue among MOJ, USAID and Amideast, an approach was agreed upon to deal with court reform. A slow, uneven startup resulted from prolonged USAID negotiations with MOJ and from the delayed mobilization of the AOJS team.

**Recommendation** The following scenarios are proposed for USAID consideration:

- *Scenario 1* is a no-cost extension of up to one year beyond December 2000 that solidifies the effort to date with North Cairo Court, NCJS, and Ismalia Court.
- *Scenario 2* is a funded extension for two years to complete the present effort and to replicate the approach fully in the Ismalia Court. This scenario would require an MOJ institutional commitment, including GOE financial resources, to accept a nationwide replication of AOJS results.
- *Scenario 3*: A new project, or AOJS II, is an alternative to scenario 2, but with a number of serious reservations based on Project experience to date. Overcoming present constraints would require a much higher profile for USAID in the democracy and governance arena and a much greater resource commitment by the GOE. This scenario could follow scenario 2, given demonstrated progress.

The evaluation team supports scenario 2 as the most practical and feasible recommendation, given current expectations and constraints.

**LL 2. *Techno-Fix or Managed Organizational Change*** *A project that can not shake off the perception that its purpose is to provide an unending flow of technical computer hardware is doomed. Computer technology must be carefully integrated into programming as a tool to support managed organizational change.*

Egyptian counterpart expectations were raised by the original AOJS Project proposal, which served as a substitute for a project design. Initially, considerably more resources were foreseen for computer technology, which ultimately were cut by almost half. The high expectations have continued despite the reduced scope of the Project. Rather than seeing computer technology as one of several tools to support their managed change of the court administration process, many judges continue to treat it as an end in itself. USAID has

officially notified MOJ that many of the originally proposed resources now lie outside the existing AOJS financial envelope.

*Recommendation* Because of the tendency of recipients to focus on computer technology in contrast to organizational change, any new USAID financial support should clarify in advance precisely what computer systems costs the Project will bear. There should be a clear delineation of MOJ financial responsibilities for shared and recurrent costs, as well as a commitment to required organizational changes.

*LL 3. The Management Challenge of Constituency Building* An administration of justice activity in court reform that does not incorporate key stakeholders may risk its overall success. Lawyers and businesspersons, whose role could enhance that success, should be considered for inclusion.

Certain key stakeholders were found to be missing from AOJS. Interviews with selected attorneys and businesspersons indicated that many of the Project's results were perceived to be of potential value to them.

*Recommendation* In order to broaden its base of support, the Project should devote increased attention to the task of constituency building. Businesspersons, lawyers, NGOs and other groups that are potentially important in the maintenance and replication of Project successes should be enrolled, possibly through other USAID projects or activities. The AOJS chief of party, with the senior judicial advisor, should take the lead in this endeavor with the active involvement of the MOJ and the USAID technical representative. The training unit should support this effort.

*LL 4. Streamlining of Court Procedures* International technical assistance is most successful when it is flexible and interactive with the host institutional culture. Institutions which work well in another culture (in this case, professional court administration in the US) must be reviewed (and usually adapted) in the light of the realities of the host culture and its attitudes. In the Egyptian legal system almost all authority resides with judges; thus, the system accepts judges more readily than non-judges as those responsible for removing obstacles to efficient case administration. AOJS appropriately modified its approach toward case management to accommodate this reality.

AOJS activities aimed at influencing the judicial culture in NCC are beginning to bear fruit. Most experimental panel judges interviewed show commitment to assuming control of their caseloads and reducing delay. Also, follow-up judges interviewed are taking their roles in court administration seriously. Substantial annual rotation of judges would severely set these efforts back. However, the pilot courts are missing an opportunity for caseload reduction by not making better use of ADR possibilities. Also, the lack of lawyer involvement in the Project will hinder replicability in other courts and deprives the Project of a potentially important source of influence in the system.

**Recommendation** Although AOJS should maintain its support for professional court administration in Egypt, it should continue to work with interim case-management measures such as the follow-up judges and the monthly meetings with the experimental panels. The monthly meetings should include chief justices, inspection judges, and/or follow-up judges. In order to include lawyers, who are potential change agents, AOJS should contact lawyer groups, such as faculty of law graduate associations, as possible recipients of technical assistance and training. AOJS should explore with MOJ the possibility of expanding ADR programs to include (a) mandatory court-annexed arbitration for commercial cases with a value below a certain level; and/or (b) early neutral case evaluation. MOJ, USAID and AOJS should work with the Supreme Judicial Council to minimize the rotations of experimental and follow-up judges.

*LL 5 - Maintenance and Replication Projects should not be initiated without a clear understanding as to how the responsibility for maintenance and replication of Project activities will be carried out after the end of the Project.*

There is as yet no clearly designated unit within the MOJ for the maintenance and replication of the court administration component of the Project. Also, a major question mark is the capacity of the JIC to provide technical support for such maintenance and replication of the automated case management system. The GOE is requesting additional technical assistance to upgrade the JIC, that, if provided, could lead to the solution of this problem.

**Recommendation** In order to ensure maintenance and replication of Project advances, MOJ should designate specific offices with direct responsibility for each component of the Project. For training, NCJS is clearly the appropriate institution. The MOJ should designate an analogous office for the court administration component of the Project. For automation JIC would seem to be the appropriate entity. However, MOJ should immediately issue the RFP proposed by AOJS. This would begin a process leading to agreement on (a) what changes are needed at JIC to equip it for this role, and (b) the responsibility of each of the two institutions for funding these changes, within specified time frames.

*LL 6 - Home-based Personal Computers for Experimental Judges Before providing an expensive resource like on-line data base time, the resource should be thoroughly reviewed for adequacy. Also, lap-top computers cost several times more than desk-tops; are harder to maintain and upgrade; and are more vulnerable to theft and shock damage. Thus, they should not be provided in lieu of desk-tops unless there is a compelling justification.*

The experimental panel judges are using their lap-tops, although not as much as might be expected. Usage appears to be greater for the typing of judgments than for legal research. On-line legal research is impeded by the factors mentioned earlier. Portability of the lap-tops appears to be minimally important, since the judges cannot effectively use their computers at the NCC. The judges appreciate the computer training offered but want more of it.

**Recommendation** AOJS should continue to work with MOJ toward approval of either a private sector CD-ROM or JIC's CD-ROM, to include current legislation and Court of Cassation opinions. A needs assessment for additional training in computer skills, Internet and legal research data base should be completed.

*LL 7 - Need for Continued Training Support of New Organizational Management Systems  
Increased focus on training to support improved court administration should not be at the expense of training in support of continued NCJS organization management and curriculum development*

AOJS has worked with NCJS leadership and staff on modern theories and techniques of adult education, particularly judicial education and the principles of effective management, that apply to both strategic and daily planning of the institution. Since the newly networked computer system has only been in operation for several months, its support staff continue to require training in office automation application.

**Recommendation** In order to maintain and build on present gains, AOJS and MOJ need to agree on continued support of the new management systems. Although some progress has been made, an office automation specialist should continue to work in restructuring NCJS operations to take advantage of new office automation capabilities. AOJS should sponsor a master training of trainers (TOT) course for core NCJS staff and selected judges who have participated in previous TOT training. This will enable NCJS to provide basic TOT training to additional judges. Management training should be extended to chief judges, chief judge designates, and follow-up judges. AOJS should continue to support development of training programs for new and sitting judges.

## ANNEX A: SCOPE OF WORK

### Scope of Work Mid-Term Evaluation Administration of Justice Support Project Contract Number: 263-C-00-95-00134-00

#### Background:

The Administration of Justice Support (AOJS) Project began on March 1996 with the special objective to provide an improved civil legal system in Egypt by achieving two principal Intermediate results: first: improved efficiency in two pilot court systems, and second: the improvement of judges' knowledge and application of Egyptian civil law. Mobilization in Cairo began in September 1996. The AOJS end date is 30 December 2000.

The project arose from the findings of the Egyptian Judicial Conference of 1986 which determined that the growing backlog of cases in the national court system was, to a significant degree, the result of inadequate court management and court administration. The Conference recommended improved management, improved administration, re-engineering and caseload management automation. Slow progress on these recommendations over the coming decade, and growing backlogs in the court caseloads, led the Government of Egypt to solicit USAID assistance, leading to the initiation of the Administration of Justice Support Project. The perception of the need for radical improvements in court management was shared by the court leadership, working level judges, the Ministry of Justice, the legal community, the general public, the national media, and the national political leadership of Egypt.

America-Mideast Educational and Training Services has been implementing the project in 3 different locations: North Cairo Court of First Instance, Ismailia Court of First Instance and National Center for Judicial Studies (NCJS). Policy elements of the project are implemented in consultation with the most senior levels of the Ministry of Justice.

#### Overview & strategic context:

Programming in the areas of judicial reform and democracy in Egypt is relatively recent. While the USAID has been involved in institutional development and policy work in sectors such as Agriculture and Public health for a quarter of a century, we are just beginning our institutional partnerships with the Courts, with the Parliament and with the organizations of civil society.

The AOJS evaluation will address a number of questions related directly to the mission's planning and programming processes for this project. Should the project be extended? Should its scope be either widened or narrowed? Does the progress to date, and the relationship amongst

the partners (the Civil Courts of Cairo and Ismailia, the Ministry of Justice, Amideast, and the USAID) warrant continued engagement beyond the scheduled LOP? The evaluation also provides an opportunity to look critically at the accomplishments and shortcomings of the AOJS effort since the project mobilized in Cairo in the fall of 1996. Has the project made appropriate progress toward original design goals? Are the original design goals valid and appropriate today, in the spring of 1999? Is the current and planned balance of effort in the AOJS project appropriate when weighing the tasks of human development, institutional development, manual-re-engineering and caseload management automation? Were the design changes since inception well founded (for example, the switch from achieving the initial project goals in a small pilot court to the current approach of concentrating on initial objectives in the vast North Cairo Court)?

A considerable burden is carried, therefore, by this evaluation. Since this is the mission's first substantial venture in judicial reform and one of a small set of ventures in the Democracy arena, the evaluation is important for overall USAID strategy in the decade ahead. The evaluation will also shape programming and resource decisions about the life and scope of AOJS. Finally, it will provide a mid-term report card on the partners with an opportunity to shape how the partners use the remaining balances of time and money.

#### Project objective:

In the broadest sense, the objective of the AOJS project is to support the MOJ in accomplishing its own objectives for legal/judicial reform. This means helping to build resources within the judicial sector and enhancing Ministry of Justice capacity to develop, direct, allocate and use these resources. Specifically, AOJS Project objectives are to:

- \* Improve court operations and reduce case delay through systems re-engineering (both manual and automated), judicial sector staff training in administering and operating the new systems and procedures, and the introduction of alternative dispute resolution mechanisms offering viable respected methods for resolving conflicts outside the courtroom.
- \* Upgrade the judgeship and decision - making skills of the judiciary.
- \* Introduce new strategic thinking, technologies, and systems and procedures consistent with local norms and sustainable by local institutions.
- \* Upgrade the judiciary's knowledge of commercial law and other key areas of civil law critical to Egypt's economic development.
- \* Upgrade the judiciary's access to legal materials through the use of an automated database.
- \* Strengthen the Egyptian constituency for judicial reform.

\* Strengthen the NCJS in terms of its organization, administrative operations, technical competencies and services.

In a more specific sense from a USAID perspective, the following should guide project activities:

**A- Project Goal:**

The ultimate goal is an improved civil legal system. Achievement indicators are documented pilot court systems tested and accepted for replication by the Ministry of Justice (MOJ) and Measurable Improvement in Lawyers' perceptions toward court operations.

**B- Intermediate result (IR) # 1:**

By December 2000, improved efficiency of two pilot court systems. Achievement indicator is reduction in case processing time.

**C- Intermediate result (IR) # 2:**

By December 2000, judges more knowledgeable of Egyptian civil law. Achievement indicator is average percentage increase between pre-and post-course scores.

**Statement of Work:**

The areas of the evaluation are defined in terms of institutionalization, performance, and impact.

"Institutionalization" is not only limited to the internal systems and procedures of the contractor to effectively carry out the scope of the project, but also encompasses counterparts recognition of the importance and usefulness of the project activities; i.e. the status of the project in the environment.

"Performance" is related to the implementation of the activities as evident, among other things, from the timely delivery of outputs and intermediate results.

"Impact" is related to the usefulness of the project activities to the counterparts as apparent from the net improvement in the performance of these counterparts of functions directly related to project activities.

Specific evaluation questions and issues are described below under each of the three major evaluation areas. In all cases, additional evaluation points may be added during the evaluation process as identified by the contractor, AMIDEAST and USAID.

**I. INSTITUTIONALIZATION:**

The evaluation will assess the adequacy of the AMIDEAST Administration of Justice Support Project's resources, organizational structures, systems and processes to effectively carry out project activities and to establish credibility with beneficiaries. Specific evaluation questions and issues include:

- Were the resources (human and financial) adequately planned to effectively execute all project activities? The project was re-structured in mid 1998. Did the restructuring have positive or negative impacts? The project's revised organizational structure, the scope of activities and numbers of participants to be covered by each technical specialist and support staff, and the efficiency of use of resources including consultants should be considered. If the impact of restructuring is not positive what further adjustments should be made?

Are the program's intermediate results, objectives, benchmarks and indicators defined in the project proposal appropriate and realistic monitoring tools for effectively achieving the final goal within the program's time frame? The Ministry of Justice and the Civil Courts are experiencing their first sustained donor assistance activity in this project. Are they institutionally capable of performing their partner responsibilities? Does the project design adequately address the inexperience of the partner agencies? What has the project experience to date revealed with respect to the initial design assumptions? Are the timeframes for institutional change in the pilot courts and in the Ministry of Justice appropriate? If not, what adjustments should be made?

Are project implementation procedures appropriate and adequate? Where appropriate and adequate, are they properly followed to achieve the project intermediate objectives? If not, what adjustments should be made?

Is the project making measurable progress toward enhancing the capacity of the Pilot Courts? Was the shift from an initial focus on the smaller Ismailia court warranted? Will the current life of project permit attaining comparable results in both pilot courts? If not, what adjustments should be made?

Is the current technical and financial resource mobilization strategy sufficiently effective to meet the intermediate objectives of the project? If not, what adjustments should be made?

Are the levels of participation of members of the judiciary (quantitatively and qualitatively sufficient to meet the goals and objectives of the project? Which of the host country partners: court management, court judges, NCJS, Ministry leadership, are most effectively engaged in the joint pursuit of project objectives? Which partners are least engaged? Where improvements in GOE participation are needed, how can they be realistically realized?

Does the current level of staff skills and experience match the requirements needed to deliver all project activities? Has the re-staffing and re-organization of the contract team appropriately responded to project needs? Has AMIDEAST provided access to resources for all necessary training? Will timely delivery of project activities require additional skills/experience not



currently available?

Is the current timeline of the project appropriate for the institutional objectives? Are the civil courts, the Ministry of Justice and the National Center for Judicial Studies in a position to transform traditional patterns of organizational behavior and adopt a new vision, a new strategic perspective on Judicial management and new procedures within the planned life of project? Can judges, court managers, court administrators and clerical staff absorb the newly introduced technologies within the time allowed? Will the new technologies be sustainable in terms of user skills? Will they be sustainable in terms of maintenance and system support capabilities?

- The "pilot court" design concept assumed that the AOJS project will successfully introduce new skills, procedures, management practices, judicial knowledge and technologies into two civil courts. It assumes that the Government of Egypt will, at the end of the project in December 2000, be in a position to transfer the successful innovations to the remaining 24 major civil courts which comprise the national court structure of Egypt. Does this assumption still appear valid with respect to re-engineered court operations? With respect to court automation? With respect to judicial training and enhanced Judge's knowledge? If not, what steps are appropriate to address sustainability and the capacity of the GOE to move from the project pilots to expansion to the national level?

- Are all relevant internal policies/procedures required to ensure the smooth and sustainable functioning of project activities adequately documented? Consider AMIDEAST organizational policies such as personnel and accounting documentation as well as specific AOJS policies such as participant selection.

- Are the approaches, facilities, staff, and consultants considered suitable to local conditions?

- Do the beneficiaries see the project activities as being important and useful?

- What is the frequency and scope of beneficiaries requests for project assistance?

## II. PERFORMANCE:

The assessment will review the current level of timely delivery of all project activities. The quarterly progress reports inclusive of benchmarks and intermediate results achievement schedules will serve as the basis for this assessment. Key questions and issues will include:

- Review all benchmarks. Are the intermediate results the most appropriate measures of the achievement of the project outputs? Are the timelines associated with the IR's appropriate in the context of the state of the Egyptian Judiciary? Suggest modifications which will improve effective evaluation.

- Identify variances in the achievement of intermediate results to-date. Identify the major factors

contributing to each variance identified.

- Are the project benchmarks and intermediate results reasonable and attainable within the life of the project? Is there a need for more time or more resources to achieve the benchmarks and intermediate results? If not, identify the constraints. To what extent is the local environment (general Egyptian conditions) a factor? To what extent are specific attributes of the Judicial Sector a factor? What are the most appropriate means of mitigating these contextual constraints to project performance?

- Are the project budgets reasonable and adequate for the delivery of all project activities within the life of the project? Identify areas where major budget overages or shortages appear likely. Provide explanations. Is the duration of the project and the scheduled termination in December 2000 reasonable for the delivery of all project activities? If not, should the deliverables be cut back or the time extended? Identify areas and activities where time constraints are most significant. Provide explanations.

### III. IMPACT:

The evaluation shall assess the impact of project activities on the beneficiaries for each of the two project "intermediate results" described under "BACKGROUND" above.

- What categories of persons and organizations have benefitted directly or indirectly from the project? Approximately how many persons and organizations in each category?

- Were the beneficiaries adequately involved in determining areas of need and appropriate activities to answer those needs? How could this process be improved?

- Identify key project methodologies for participant and co-sponsor participation in project activities. Are the methodologies the most appropriate to achieve maximum impact? Can they be improved?

- Are the methodologies appropriate considering the desired outputs and beneficiary needs?

- What has been the impact of project activities on each of the partners (courts, court management, court judges, court administrators, judicial trainers, ministerial managers) in terms of their performance and application in the work environment?

- In instances where impact is not evident or cannot be evaluated, identify the primary contributing factors. How could the impact be improved?

- Were the relevant government and non-government Egyptian entities adequately involved to support the process without compromising the project?

## **METHODOLOGY AND DURATION:**

The evaluation will be conducted using appropriate evaluation techniques inclusive of review of documents, observation, and interviews. Key documents include the project agreement, AMIDEAST proposal, project work-plans, quarterly progress reports, workshop papers, and workshop/course participant, instructor, and consultant evaluations, as well as needs assessment questionnaires. Other techniques may be suggested and applied as needed.

Interviews will include beneficiaries and Project staff. The evaluators will prepare a list of interviewees for review by AMIDEAST and USAID. AMIDEAST will provide briefings on all visits and will assist in arranging the interviews. The team will also consolidate, summarize and analyze data collected by the project's ongoing Monitoring and Evaluation Systems.

Throughout the assignment the Contractor will work closely with both the USAID Office of Democracy and Participation/AOJS Project Officer, and coordinate with AMIDEAST/AOJS Project's Chief of Party and designated AOJS staff.

The team shall prepare an evaluation report providing findings, conclusions and recommendations responsive to the questions in the Statement of Work above based on the analysis of information obtained.

## **REPORTING REQUIREMENTS**

All reports shall be submitted to the USAID Project Officer.

The evaluation is expected to take place over six working weeks.

1. The evaluation team shall hold one mid-evaluation meeting to brief the Project Officer and other relevant-USAID staff on evaluation progress. A final debriefing shall be held for USAID, AOJS, and MOJ officials after acceptance of the first draft.
2. On or before the fifth working day, the evaluation team shall submit a workplan which describes roles and responsibilities of each team member. This workplan will deal with the reality that almost all interviews will be conducted in Arabic. Evaluation staff will either be Arabic speakers, or will be accompanied by expert locally hired assistants who can handle complex legal issues in both languages. The plan should seek to deploy the team members separately to the greatest extent possible, avoiding the redundancy of having all team members make most of the field visits together.
3. The evaluation team shall submit a draft report by the end of the third working week. The draft findings shall be reviewed and discussed with USAID, AOJS, and MOJ staff and comments provided to the evaluation team within 3 working days. The final report shall be prepared during the final three working days and shall include changes or revisions requested by USAID.

Executive summaries in English for both the draft and the final reports shall be provided. The Contractor shall provide 10 copies of the final report to the USAID/Cairo Mission for distribution.

4. The report shall be in the following format:

a. **Executive Summary:**

Not to exceed four single-spaced pages. This shall be provided in English and Arabic.

- b. Summary of Recommendations
- c. Methodology
- d. Quantitative and Qualitative Analysis
- e. Observations and recommendation
- f. Conclusions
- g. Annexes of statistical Data collection
- h. Bibliography

**Main Report:**

The report shall respond directly to the key questions in the Statement of Work and should not exceed 30 double spaced typed pages. It shall be provided to USAID on disk in WordPerfect 5.2 and in hard copy.

**IV. COMPOSITION OF EVALUATION TEAM**

**I. Team leader:**

Social Scientist with extensive experience with Institutional development, capacity building and (if possible) rule of law projects. The Team leader should be responsible for the overall coordination of the evaluation including the initial evaluation design and methodology, orientation and supervision of evaluation team members and the preparation and submission of the final report. Almost none of the partners, beneficiaries, and constituents speaks English. Justice is an Arabic only bureaucratic arena. Some project deliverables have been translated into English, and some are in Arabic. More importantly, the documentation of the partner organizations is exclusively in Arabic. The team leader will be responsible for devising and implementing an appropriate plan for conducting virtually all of the oral evaluation work in

Arabic as well as some written elements of the evaluation. In addition, the Team leader should also participate in the different areas of analysis.

## 2. Court Administration Specialist:

1. A demonstrated positive record of at least 10 years experience in the field of court administration.
2. Familiarity with civil law court systems.
3. Knowledge of the Egyptian socio-economic context.
4. A Degree in law, social science or other applicable discipline or strong relevant experience. Arabic speaking and reading will be essential to the task. The specialist will either have this capability or be teamed with a locally hired assistant able to deal with the technicalities of court administration in both Arabic and English.

## 3. Judicial Training Specialist:

1. A demonstrated positive record of at least 10 years experience in the field of adult training, preferably judicial training.
2. A degree in social science or other applicable discipline, or strong relevant experience.
3. Arabic speaking and reading will be essential to the task. The specialist will either have this capability or be teamed with a locally hired assistant able to deal with the technicalities of judicial training in both Arabic and English.

## ANNEX B: LIST OF CONTACTS

- I. USAID
  - Dana Fischer, Chief, Democracy and Participation Division
  - Asr Toson, AOJS Team Leader, Democracy and Participation Division
  
- III. AOJS STAFF AND CONSULTANTS
  - John S. Blackton, Chief of Party
  - Joseph Bellipanni, Senior Judicial Specialist
  - Albert H. Szal, Court Administration Expert
  - Shamsnoor Abdul Aziz, Legal Expert
  - Virginia Leavitt, Judicial Education Expert
  - Samir M. Sultan, Training Coordination Expert
  - Walter R. Kuencer, Court Automation Expert
  - Janie Abdul Aziz, Project Office Manager
  - Mona Gabr, Network Engineer Consultant
  - Mamdouh Gomma, Information Technology Consultant
  - David Steelman, Court Administration Consultant
  
- IV. AOJS SUBCONTRACTORS
  - Sherif Hosni, President, Systems Research Egypt
  - Alaa Soucif, Vice President, Systems Research Egypt
  - Mohammed Abdulla, Chairperson, Intex
  - Ala'a El Din Youssef, Intex
  - Mahmoud Gebril, GTRAK
  - Ayman Atef, IBM Education Center
  - Ahmed Shawky, IBM Education Center
  - Dina Salah, IBM Education Center
  
- IV. MINISTRY OF JUSTICE
  - A. **Central Office**
    - Counselor Maher Abdel Wahid, First Assistant Minister
    - Counselor Fathi Naguib, Assistant Minister for Judicial Inspection Affairs Dept.
  
  - B. **Judicial Information Center**
    - Chief Judge Mohamed Saleh, Director
    - Engineer Mohamed Safwat, Technical Manager
  
  - C. **Experts Office**
    - Eng. Mansour Mabrouk, Sector Manager

**D. National Center for Judicial Studies**

Counselor Ali El Sadek. Assistant to the Minister for NCJS Affairs  
Counselor Ali Shekiib. Secretary General  
Counselor Omar Hafeez. Head, Technical Head Bureau  
Counselor Mohamed Shafik. Senior Judicial Trainer, Technical Bureau  
Chief Judge Hesham Ragab. Judicial Trainer, Technical Bureau  
Admin. Prosecutor Mona Gamal El Din. Judicial Trainer, Technical Bureau  
Galal Abdel Hamiid. Chief, Office of Student Affairs  
Magdy Emam. Office of Student Affairs  
Wagiida Abu Sabaa. English Translation Section  
Maha El Bardicy. English Translation Section  
Amal El Shafeye. English Translation Section  
Dalia Farouk. System Administrator, Computer Section  
Ghada Gala. System Administrator, Computer Section  
Saania Ahmed Hasssan. Secretarial Section  
Hisham Ragab. Chief, Library

**E. North Cairo Court of First Instance**

Counselor Ahmed Sabry Youssef. Chief Justice  
Ali Ahmed Sakr. Chief Judge, Panel 2  
Hisham Mohamed Ismail. Chief Judge, Panel 4  
Mohammed Gueweli. Chief Judge, Panel 12  
Khalid Saad Ahmed Awad. Chief Judge, Panel 18  
Ganal Ibrahim Eliwa. Chief Judge, Panel 19  
Montaser el Bedry. Chief Judge, Panel 20  
Amr Yehia Ismail. Chief Judge, Panel 25  
Tarek Ismail Abdel Malik. Chief Judge, Panel 39  
Mohamed Abd El Aziz. Judge, Panel 30  
Ahmed Youssef Ahmed. Judge, Panel 4  
Ahmed Mohamed Ali. Judge, Panel 4  
Ashraf M.A. Moneim. Judge, Panel 4  
Ahmed Mahmoud Moussa. Judge, Panel 8  
Maged Soubi Souiha. Judge, Panel 38  
Fekry Nosseir. Chief of the Civil Section  
Mahmoud El Hosary. Chief of the Commercial Section  
Mohamed Bendary. Chief of the Archives Section  
Abdel Kalik Mahmoud Khalifa. Chief of the Taxes Section  
Abdel Rahman Kamal Seoudy. Chief of the Service Section  
Soheir Abdellah. Chief of the Experts Section  
Mr. Agaiby. Fees Assessment Section  
Mr. Hassan. Fees Assessment Section  
Nadia Kamel. Supervisor. Typing Pool  
Ms. Fawzia. Assistant to the Supervisor, Typing Pool  
Ms. Magda. Assistant to the Supervisor, Typing Pool  
Khalid Saad. Computer Support Technician, Typing Pool

Nadia El Sayed, Chief of the Indexing Section  
Mahmoud Khalifa, Chief of the Taxes Section  
Abdel Rahman Kamal Seoudy, Chief of the Service Section  
Ms. Soheir Abdel, Chief of the Expert Section

**F. Ismalia Court of First Instance**

Mohamed El Zeki Salama, Chief Justice  
Ahmos Al Shestawy, Chief Judge, Panel 5  
Aziza Mohamed Abbas, Director, Chief Justice's Office

**G. Other**

Counselor Kamal Gorgi, Justice, Cairo Court of Higher Appeals, Judicial Trainer  
Class of Judges participating in NCJS Trademark Law Training Program  
Class of NCJS Staff participating in NCJS computer training program

**V. OTHER**

Elizabeth Khalifa, Country Director, Amideast  
Robert Springborg, Director, Development Associates, Egypt  
Bridget McArdle McKinney, Resident Partner, El Oteifi Law Office  
Tewfik G. Shehata, Attorney, El Oteifi Law Office  
John Fouad Matouk, Legal Consultant, El Oteifi Law Office  
Odette Skandar, President, Egypt & Middle East Co.  
Ahmed Abou Ali, President, Legal Committee, American Chamber of Commerce  
Mohammed Hassuna, Hassouna and Abou Ali Law Firm  
Melanie Sanders-Smith, Deputy Director, Development Training II Project  
Eman Mellawani, Manager of Evaluation, USAID Egypt Development II



## Annex C: References

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- "Egyptian Civil Justice Process Modernization", Chodosh, Mayo, Naguib, and el Sadek;  
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- "Politics in Egypt", A. M. Lesch, in Almond & Powell, Comparative Politics Today: a World View, Harper Collins College Professors, 1996
- "'Taba', or 'Peace through Law'", Iskander Ghattos, Undersecretary of State for Justice for International Cooperation
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- AMIDEAST Revised Technical Proposal-Vol. 1, March 13, 1996
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### II. Documents primarily related to the Court Administration Component

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- Draft Strategic Plan, Friesen, April 30, 1997
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and Co., October 1998

### III. Documents primarily related to the Training Component

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