



# USAID Strengthening Labor Justice CAFTA-DR Program Work Order No. DFD-I-03-04-00175-00 Version No. 4

Quarterly Report – April - June 2010



*Groundbreaking for the “Vicente Machado” building renovations at the Public Defender’s Office in El Salvador*

# Table of Contents

<b>Executive Summary .....</b>	<b>3</b>
<b>Component 1: Electronic Judiciary Management Systems. ....</b>	<b>5-12</b>
Result 1.1 – Electronic case tracking and judicial management systems in 33 courts in five CAFTA-DR countries.....	5
Result 1.2 – Electronic case tracking and judicial management systems implemented in the Appeals Courts and Supreme Courts of Justice in at least three CAFTA-DR countries .....	11
<b>Component 2: Raising Professional Standards in the Labor Judiciary.....</b>	<b>13-15</b>
Result 2.1 – Masters Program in Legal Studies designed and implemented in at least two CAFTA-DR countries.....	13
Result 2.3 –Specialized labor law programs at the graduate level, designed and offered in at least five universities in two countries.....	13
Result 2.6 – Creation of judicial laboratories for court training in at least four CAFTA-DR countries.....	15
<b>Component 3: Procedural Streamlining.....</b>	<b>16-18</b>
Result 3.1 – ADR systems or centers established to support new courts integrating at least three countries.....	16
Result 3.3.1 – Technical assistance for universities and/or NGOs to conduct legal research related to labor law and provide training in ADR and oral hearings .....	16
Result 3.3.2 – Technical assistance for the Public Defender’s Office in El Salvador to facilitate legal assistance and representation for workers .....	16
<b>Appendix.....</b>	<b>19-22</b>
Appendix 1: List of Training Events .....	20

July 2010

This report was written by Management Sciences for Development, Inc. under the USAID Strengthening Labor Justice CAFTA-DR Program, Work Order No. DFD-I-03-04-00175-00, Version No. 4, for review by the United States Agency for International Development.

## Executive Summary

---

Management Sciences for Development, Inc. (MSD) was awarded the CAFTA-DR Labor Justice Strengthening Program contract in March 2007. The task order (No. DFD-I-03-04-00175-00) was issued under the Rule of Law Indefinite Quantity Contract (ROL IQC). MSD is the small business implementing partner under this mechanism. The Labor Justice Program seeks to strengthen capacity for enforcement of labor laws in CAFTA-DR countries (El Salvador, Guatemala, Honduras, Nicaragua, Costa Rica, and the Dominican Republic) as required under the Central American Free Trade Agreement. This regional program is headquartered in El Salvador. MSD maintains a project presence in each country.

The Labor Justice Program was extended in June 2009 to facilitate regional harmonization of labor court management systems, expand activities to strengthen judicial institutions, provide technical assistance to non-state institutions – including bar associations and universities – that serve to improve the function of the labor justice system. Through technical assistance provided by the Labor Justice Program, an electronic case management system was developed for the Supreme Court in El Salvador; a labor law curriculum was developed for judicial schools in Dominican Republic; and training schools were established in Guatemala, Honduras, and El Salvador on mediation, alternative dispute resolution, and the reconciliation process.

**Component 1: Electronic Judiciary Management Systems.** MSD designs and implements electronic case management systems to help judges effectively and quickly resolve labor cases. Electronic Judicial Management Systems (EJMS) are in place in Guatemala, El Salvador, Costa Rica and the Dominican Republic.

In Guatemala the Program finalized collection of baseline data from the First, Second and Fourth Labor Guatemalan Courts starting in 2005 and ending in 2007.

During the Judicial Management Training Workshops in El Salvador, the Program finished analyzing baseline data cases from the five labor courts in San Salvador, validated 80% of the data, and designed the interface screens for the Labor Court Management System that will be installed in the *Centro Judicial Integrado de Derecho Privado y Social*.

In Costa Rica the Program added a new function to the existing case management system which will allow judges and court administrators to assign case numbers to files at the *Megadespacho* located in Goicoechea.

In the Dominican Republic the Program held a workshop to design and test caseload flowcharts for court processes with national-level judicial administrators. The Program also initiated the *Plan de Decongestión del Juzgado*, or Plan to Clear Judicial Backlog, at the Santiago de los Caballeros Court, and installed a jurisprudence indexing system at the *Centro de Documentación e Información Judicial Dominicano*.

**Component 2: Raising Professional Standards in the Labor Judiciary.** MSD provides technical assistance and training to judges, lawyers and judicial support staff on electronic case management, oral trial techniques and labor law, including the development and implementation of a Master's degree program in labor law.

In Guatemala the Program is developing the curriculum for the Masters Program in Legal Studies at the *Universidad del Istmo*. In El Salvador the Master's Program has been fully developed and courses will begin when the Ministry of Education provides approval.

In Nicaragua the Program began offering post-graduate level courses on labor law in conjunction with 29 colleges and universities.

**Component 3: Procedural Streamlining.** MSD designed and is implementing a strategy to strengthen and streamline judicial procedures through the use of ADR and modernizing documentation systems, as well as the introduction of the internet-based labor justice observatory.

The Program conducted workshops on conciliation for the Courts of First Instance in Guatemala.

In El Salvador the Program broke ground for the renovations of the Public Defender's Office.

**Activities planned for the following quarter:**

- Finish collecting baseline data for the Cuilapa Court and the Third Court in Guatemala, the First and Second Chambers of the Labor Court in San Salvador, and the San Miguel Court.
- Finish specialized courses for Public Defenders in El Salvador.
- Test and implement the single station model at the *Unidad de Defensa de los Derechos del Trabajador* in El Salvador.

# Component 1: Electronic Judiciary Management Systems

---

## Result 1.1 Electronic case tracking and judicial management systems in 33 courts in five CAFTA-DR countries.

### Judicial Management

The electronic case tracking and judicial management system allows the courts to resolve cases more quickly and efficiently, providing information necessary for other reforms.

### Guatemala

#### Baseline data

- Requested and received data from the National Legal Analysis and Documentation Center to perform the first calculations of the sample size for the baseline data in the First, Second, and Fourth Labor and Social Security Courts of First Instance in Guatemala City, Sacatepéquez and Santa Rosa.
- As part of the analysis of expired files, provided support to judges and identified missing cases, as well as old cases that have not been resolved.
- Trained interns to collect baseline data and record hearings at the Labor Observatory.
- The work methodology included identifying expired cases in consecutive order, identifying types of cases based on color-coding, and analyzing case files that were found.

#### Finishing baseline data collection

- Finished inputting data from files opened between 2005 and 2007 in the First and Second Labor Courts in Guatemala City.
- Finished inputting data from files opened in 2007 in the Fourth Labor Court in Guatemala City.
- Finished collecting data for cases from 2006 to 2008 from the lawsuit record kept by the Fourth Labor and Social Security Court, which contains additional cases to those listed by the Fourth Labor Court.

#### Baseline data collection initiated

- Began collecting baseline data from the Labor Courts in Cuilapa and Antigua and the Third Labor Court in Guatemala City.

#### Recording hearings

- Began filing hearings using the program developed by Ruldyn Ayala from the legal branch's Information and Technology Center.

#### Training for Chief Judges, Judges and Officials

##### Oral hearings

- The Program held two days of training on May 17 and 18 at the Hotel Princess in Guatemala with Salvadoran Judge Carlos Roberto Cruz Umanzor. The Judge laid the groundwork for an upcoming workshop where local officials will create hearings regulations. These regulations will be approved by the Supreme Court and implemented in labor and social security courts and chambers.

##### Legal arguments

- The Program held a meeting with Judge Mynor Franco, the contact for labor issues at the Supreme Court, to talk about training activities for the Workshop on Legal Arguments and General Trials. MSD consultant Dr. Rodolfo Vigo attended the meeting, as did judges from the judicial branch.

## **Hiring**

- Judge Mynor Franco, representing the President of the Supreme Court for the Legal Council, has supported restructuring performance evaluation processes for judges from courts of first instance, and has requested financial support from the Program to conduct a technical study on this issue with the Universidad del Valle in Guatemala. A delegation from the university visited the Program to discuss the scope of the technical assistance and to review and make comments on the University's research proposal. The Program and the university are currently negotiating terms of the agreement.
- A pre-selection process was completed to find engineers to support the Program's work on the judicial management system in Guatemala.
- During this quarter, the First and Second Labor Courts in Guatemala City moved offices. The Program helped them with the process so that the layout of the new offices would improve and facilitate efficient work and organization.
- The Program asked the Information and Technology Center to create a profile for a Systems Engineer, who is needed to monitor the electronic notification and filing programming.

## **Construction projects**

- The Program has requested authorization for physical renovations of the Labor Court in Antigua, Guatemala, and quotes for remodeling and furniture.

## **Equipment and furniture**

- The Program contacted Ronald Figueroa, Director of the judicial branch's Information and Technology Center, to discuss the delivery of servers and information storage devices. This equipment, provided by the Program, will be sent to the labor courts in the new building in Zone 4.

## **El Salvador**

The Program has faced challenges providing technical assistance to the labor courts in El Salvador. The Program has discussed these challenges with USAID, and has presented possible solutions. The Program has made significant progress collecting and analyzing baseline data for improving judicial management at the Integrated Judicial Center.

### **PROCESS IMPROVEMENTS**

The Program has begun collecting information on judicial processes, which will be used for recommending improvements. The Program works directly with the Office for Receiving and Distributing Legal Documents, the Office of Legal Communications, offices working on labor issues, and the offices of the judges from the Private and Social Integrated Judicial Center in San Salvador. The Program is mapping processing in these offices.

In order to help with this process, the Program has trained students in the Industrial Engineering program at the *Universidad Tecnológica* in efficient administration, value added, and identifying workflow waste. The Program has also trained law students at the *Universidad Politecnica* in individual work processes and appeals skills.

### **Office for Receiving and Distributing Legal Documents**

During this quarter the Program collected data at the Office for Receiving and Distributing Legal Documents *Oficina Receptora y Distribuidora de Documentos Judiciales* to examine existing delays of almost a day, on average, in sending cases to the Hearings Offices. These delays are causing serious operational problems for the Hearings Offices. The Program identified an insufficient number of officials needed to attend to, classify, and send documents. As a result of the evaluations, the Program

developed on-site training to assist court house support staff to decrease processing times between the Office for Receiving and the Hearings Offices. The Program hopes to reduce the impacts of these delays with the use of an automated system created by the Administrative Labor Court Judicial Management Systems Office.

### **Office of Legal Communications**

Since the labor courts were added to the Integrated Judicial Center, the Program has identified several areas for improvement at the Office of Legal Communications *Oficina de Actos de Comunicación Judicial*. For example:

- Case notification reports do not always reflect how notifications have been sent. Omissions can make the notification invalid and require repeated processing efforts. To address this issue, the Office is creating model templates for notification reports so that they can be pre-generated by the *Sistema de Gestión de Tribunales Laborales* (SGTL) as well as used in trainings for notifying officials in Phase Two.
- The Office experienced problems in making appointments with witnesses. The resolutions that establish dates to cross-examine witnesses are usually issued two days before they are due to appear. This is due to the way evidence is presented and regulated. However, notifications are sent as the Office receives them. The Program has provided technical assistance and established criteria to prioritize notifications of hearing dates. In addition, the Program placed an intern to work with the Notification Supervisor so that case files were more quickly returned to the Hearings Office.

### **Hearings Office, Second Labor Court**

The Program has provided a forum for judges to reflect on how to better organize their work. One of the most active officials in this initiative is Dr. Ítalo Martínez Guerra, a judge from the Second Labor Court in San Salvador, who has implemented the following:

- Where conciliation was not possible, the Judge invites the Defendant to respond to the lawsuit verbally after the Conciliatory Hearing. The Judge does not allow exceptions to be opposed or extra-legal documents to be added at that time. This practice forces both the employer and the employer's legal representative to appear in court, which legitimizes both parties and in turn cuts down on notifications and prevents mistrials. In addition, it facilitates processing and promotes the use of oral hearings in judicial management.

### **Length of processing**

- The Program finished collecting baseline data from the five courts in San Salvador for 2009. However, as few closed labor cases have been received thus far in 2010, a comparison and impact evaluation of changes to the Integrated Judicial Center on the length of processing in the Third and Fifth Labor Courts has not been possible. Since the Program is still overseeing the Integrated Judicial Center, the Program recommends that more data be collected.
- Some of the preliminary findings (May 2010) indicate that cases in the First Labor Court require 30 days for processing. Another initial finding shows that only 30 percent of cases are



Interns measure baseline data at the Integrated Judicial Center

closed with a final verdict, and that each court has different processing times.

- In this quarter the Program visited the Labor Courts in Sonsonate, San Miguel and Santa Tecla and the First and Second Chambers of the Labor Court in San Salvador to present the Project and design a plan for baseline data collection.
- The Program decided to begin implementation in these Chambers in order to cover more courts in less time, since working in San Salvador means less transportation time. The Program also began designing the monitoring and tracking system for appellate courts and gathering the information needed for studying the Observatory.
- During the next quarter, the Program expects to finish baseline data collection in the Chambers and the Labor Court in San Miguel and begin in the Court in Sonsonate.

## **WORKLOAD ANALYSIS**

The purpose of workload analysis is to create a model for the handling of labor cases to make decisions about where people should be placed according to the complexity and the desired length of processing.

In this quarter the Program collected data on activities and how long it took officials, assistants and judges to complete each task in the Hearings Offices of the First, Second, Third, and Fourth Labor Courts.

With this information, the Program created, reviewed and edited a hearing registry table and a table listing responsibilities for judicial officials. The table was used to create a preliminary work model for individual court cases based on initial baseline data.

Data from the Fifth Labor Court has not yet been collected. The Program believes that the data collection has been delayed due to the Chief Judge's health. The Chief Judge requested that Program activities be rescheduled to start in July. The Fifth Labor Court also differs from the other courts since it was formerly a civil court and still processes some civil cases. Officials working at this Court have comparatively less experience than those working in other courts in San Salvador meaning that their workload analysis will differ from the others.

### **Designing the Labor Court Judicial Management System Program (SGTL)**

- After engaging in negotiations with the Supreme Court and garnering support from other judges, particularly those of the First, Second and Fourth Labor Courts, the Program has been asked to lend support to their labor court management system. Using baseline data, the Program identified that the system needed to be modified to work with the Integrated Judicial Center's system.
- One central issue for the design of this new version of the system is the classification of each legal procedure (*actuaciones judiciales*) by process, which will facilitate tracking and monthly reporting. The CNJ uses these reports to evaluate the judges.
- During this quarter, the Program created a preliminary list of legal procedures which has been validated by several judicial officials and presented in the judicial management workshops. In this quarter the Program also hosted its first judicial management workshop, which is detailed below.

### **Workshops to Validate Tracking Changes for the Integrated Judicial Center**

Before the workshops began, the Program validated the changes to the SGTL with several judicial officials who had shown interest in the Program's work. The review process revealed that the tracking

process should be dynamic and facilitate processing by case lot instead of one case at a time in order to save time in processing.

### **First Judicial Management Workshop**

- On Friday, June 18, the Program held a Validation and Revision Workshop on individual court processing and the Municipal Administration Act (LCAM). The Program also presented proposals on case tracking and notifications for review and discussion. Participants worked on validating the list of legal procedures during the week.
- The Program identified needs for new information, such as a report from the Treasury Ministry, modifications to the CNJ report, and the possibility of updating the legal procedures list with corresponding data through notifications, court dates and subpoenas.

### **List of Activities held before the Validation Workshop on the judicial management system design, July 2**

- Before the second workshop was held, the Program held meetings with judges who were not able to attend the first workshop.
- At these meetings the Program decided to work with officials from the First, Second and Fourth Labor Courts to expedite the validation processes, since officials from the Third and Fifth Courts did not attend the workshops or submit their observations. In addition, Dr. Ramírez Cuéllar, a judge from the Third Labor Court, as well as Erick López and Ena Nuñez, representatives from the Civil Court led by Judge Mirna Perla, indicated that the Program should suspend its work in order to incorporate the new Civil Procedures and Commercial Code. (This had been expressed previously in a meeting with the Supreme Court on June 21, 2010.)

## **Information Technology Activities for the Labor Court Judicial Management System (SGTL)**

### **Changes**

- Reviewed the data entry and search screens for the case tracking and processing inquiry functions.
- Scheduled work to make changes to the SGTL calculator so that it would have all calculations necessary and could validate the results of the operations.
- Modified the Hearings module so that each hearing does not have a 30-minute limit, as required by judges to ease workload.
- Modified SGTL v2.0 appearance (colors and fonts).
- Sent documentation from the calculator to Sandra Dueñas, USAID Manager for the Access to Labor Justice/PACT Program.

## **Costa Rica**

### **Mapping of processes**

The Program is currently mapping judicial and administrative procedures so that the information technology specialist can use the data to program the information system. The Program mapped how the labor public defense courts could be integrated into labor processing.

### **Workload analysis**

The Program is analyzing how judges' time is distributed to establish workloads and time available for hearings. This data will be used to evaluate the judges' performance.

## **Design of the Information System**

### **Case distribution**

- At the beginning of May, the Program held a workshop with personnel from the courts to establish the best way to distribute workloads. The Program hosted a subsequent workshop to finish defining case distribution in the information system that was being designed. In June an algorithm was created in Excel to assign cases.

### **Virtual Case File and Personnel Assignments**

- In this quarter the Program analyzed implementation of a virtual case file. The Program met with Mr. Alberto Rojas, an Information Technology Engineer and employee of the court, to discuss use of the *Sistema de Administración de Peritos* (Expert Management System). This System, based on the use of electronic case files, is part of the improvements to the automated judicial management system (*Sistema de Gestión Informático*).
- The Program has tried to go beyond the courts' current proposals and has provided value added by suggesting an expert management system that is better than the current one in use. The new system would automatically assign cases and serve as a starting point to improve efficiency in other judicial processes. The Program anticipates one new position that could also work on other value added processes.

## **Recording hearings**

### **Audio and video equipment**

- The Program received quotes on audio and video equipment for the courtrooms and later met with Rafael Ramírez, the Director of Communications Technology for the judicial branch, to validate the proposed equipment.

### **Hearing indexation**

- The Program is testing software for hearing management (1 specialized system and 2 general systems). The software that is being reviewed meets the requirement that audio and video recordings can be stored in a format that is easy to file. The specialized system, LIBERTY COURT RECORDING, was developed in Canada and has been implemented in more than 2,000 courts around the world. There are other software programs available; however, most are broad-spectrum and do not offer many options for specialization according to context. In addition, the Program reviewed several proposals for equipment that would be needed for recordings. Any new rooms must allow judges to easily record proceedings, given that oral hearings are required.

## **Furniture and Requested Analysis for Physical Renovations**

As a result of the new organizational structure for judges, the Program has received some proposed changes for furniture and renovations. Porfirio Sanchez is no longer serving as Coordinator of Private Employment Courts, and Judge Leyla Shadid was named as Coordinator for Public Employment.

The existence of two coordinators has led to several proposals from the Commission on Labor Justice. One proposal is to physically divide the court into public and private branches with separate administrative personnel.

In this quarter the Program created Terms of Reference to purchase furniture for both the public and private labor courts. The Supreme Court of Costa Rica will provide architects to design the space and rooms. The Program has considered current and future needs for space in the design.

## **Dominican Republic**

### **Santiago Court**

- In this quarter the Program finished reviewing legal procedures documented in the Santiago Court by Judge Domingo Gil. Sixty procedures were reviewed. The documentation was printed and bound to hand out to participants in the validation workshops.
- On May 21 the Program held a Validation Workshop to review the mapping of legal processing nationally. Twenty-five processes were validated by labor court judges from Santiago de los Caballeros, La Vega, San Francisco de Macorís, San Cristóbal, the National District and the Province of Santo Domingo. The Workshop continued on June 11 since some processes had not been reviewed.



Dominican Judges Attend Workshop to Validate Working group in Module III of the degree program in Labor Public Defense

### **Design of organizational structure**

The Program began working with the Secretariat in charge of the Department of Planning for the judicial branch to design the structure of a new management system that can be implemented in the Human Resources Departments and the Judiciary School.

To begin the process, the Program collected information from the Common Court Office in Santiago to determine the new administrative processes that might be needed by the Secretariat. Later, service processes and sentencing from the Supreme Court and Court of First Instance were adjusted so that they could be transferred to the new structure. The Program and the Supreme Court have taken the lessons learned in the Common Court to develop a management model approved and accepted by judicial authorities.

### **Plan to Clear Judicial Backlog in Santiago de los Caballeros**

- The Program is supporting a Plan to Clear Judicial Backlog in Santiago de los Caballeros. The Supreme Court named three judges to clear cases pending resolution, which were assigned at random. Since May 3, the Program has rented computers for the judges and administrative personnel. Work began April 26 when the cases were randomly assigned to the judges. The Program has been working closely with the Supreme Court to clear the cases and provided technical and financial assistance.
- The Program expects to have statistics on the progress of the Plan to Clear Judicial Backlog within a short time.

## Result 1.2: Electronic Case Tracking and Judicial Management Systems Implemented in the Appeals Courts and Supreme Courts in three CAFTA-DR Countries.

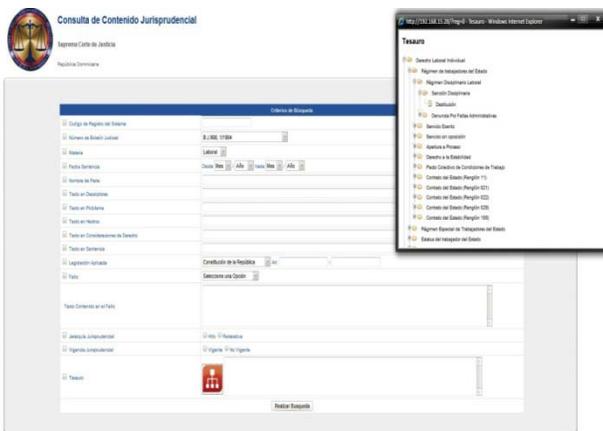
### El Salvador

Program IT staff conducted a demonstration of the indexing system used in the Dominican Republic for Civil Court and Civil Court IT staff. The officials were interested in the system, and the Program will follow up next quarter to determine whether the system is suitable for the Salvadoran courts.

### Dominican Republic

The *Centro de Documentación e Información Judicial Dominicano* (CENDIJID) continues to make progress on indexing sentences. The Program has assisted the CENDIJID in this process by providing technical assistance through consultant Diego Lopez to review and ensure the indexed information is complete. Additionally, Program IT Staff travel to the Dominican Republic to train end users on the benefits of the new system. Details of this technical assistance are listed below.

The Program hired interns for the Documentation Center ahead of time to process the files. The *Fundacion de Institucionalidad y Justicia* (FINJUS) will begin discussions with labor court judges to identify bugs in the legal index and begin to conceptualize improvements which will make the case analysis more dynamic.



Software de indexación desarrollado por MSD para el CENDIJID

### Indexing Software

In this quarter the Program installed indexing software on the CENDIJID server and FRAMEWORK 2.0 and 3.5 on MSD equipment in El Salvador to replicate the software being used in the Dominican Republic and allow testing that will facilitate improvements in the system. Once the software was installed, the updated version (Access) was put on the SQL SERVER. Later, technicians from CENDIJID were trained to use the system.

After testing the system with migrated baseline data, the Program identified several improvements necessary for the module on uploading case lots, based on the network infrastructure. The Program is testing the finalized software.

## Component 2: Raising Professional Standards in the Labor Judiciary

---

The Program has been working closely with legal institutions, courts and law schools to improve training on labor law for judges and other judicial officials.

### Result 2.1 Master's Program in Legal Studies designed and implemented in at least two CAFTA-DR countries

#### Guatemala

- The Director of the *Escuela de Estudios Judiciales* (ESEJ) presented the proposal for the Master's in Jurisdictional Management (UCI/Universities Graduate Program) that is being coordinated with four colleges in the country to judges from the Supreme Court. The Program agreed to support the ESEJ proposal as much as possible. With respect to the Master's Program in Legal Studies, several private universities have shown interest in implementing the program as soon as possible and using it to train judges, especially academic officials from the Universidad del Istmo.

However, the *Universidad del Istmo* proposed a curriculum based on an agreement between the university and a university in Argentina, which already had a list of predetermined professors. The Program provided a copy of the established curriculum that it had developed for the Master's in Legal Studies, and the *Universidad del Istmo* is reviewing it to provide observations or suggestions. The final negotiation will be held at the end of July and will be based on the suggestions offered by the Program to Universidad del Istmo.

#### El Salvador

- In May the deans and financial directors from each participating university evaluated what alternatives were available to the schools in terms of costs and accounting and tax obligations for implementation of the Master's Program and made decisions on how to proceed. The Program is waiting for approval from the Ministry of Education on the curriculum and has begun recruiting professors to work as consultants.

### Result 2.3 Specialized labor law programs at the graduate level, designed and offered in at least five universities in two countries.

#### Guatemala

- The Assistant Dean of the Department of Legal and Social Studies at the *Universidad Rafael Landivar*, Pablo Hurtado, will present a proposal with an outline of program activities for a specialization course.

#### El Salvador/ Specialized Courses for Public Defenders

The specialized courses in El Salvador have focused on preparing labor public defenders. The courses, which were replicated in universities throughout the country, will soon end. The following modules were developed for the Public Defender's Office:

- Module III: Protection for the Defense of Labor Rights, offered by German Rivera to universities (May 13-14) and public defenders in the labor courts (May 17-21, 25-28).

### Oral hearings

- Miguel Méndez Palomo led a workshop on techniques for oral hearings with lawyers from the Personal and Property Rights Office (June 8-11) as approved by Attorney General Sonia Elizabeth de Madriz.
- The Program held a workshop to strengthen oral hearings techniques and litigation strategies for public defenders in labor courts. The Program hopes that Civil Procedure and Commercial Code reforms will establish procedures for conducting oral hearings.
- The Program began the hiring process for procedural law specialist Dr. Rodolfo Caballero to create a course on evidentiary procedure for oral hearings as part of the Master's degree program in Labor Public Defense.

### Constitutional rights

- The Program is working with Dr. Manuel Bellido Aspas via Skype on Terms of Reference to define Program activities in Nicaragua and El Salvador scheduled for next quarter.



Working group in Module III of the degree program in Labor Public Defense

### Legal protection

- The Program held Module III (Legal protection) for the Master's degree program in Labor Public Defense from Tuesday, May 25th to Friday, May 28th at the Holiday Inn from 8:30 am - 5:00 pm.
- The Program worked to extend the contract of German Rivera in order that he might lead three follow-up workshops on protection orders from the Supreme Court for the Public Defender's Office.

### Conciliation

- The Program created Terms of Reference for Eduardo Barrientos for the conciliation course in the degree program for the Public Defender's Office.

### Nicaragua

- The Program began preparation to repeat the specialized course in Nicaragua. Based on an evaluation from the *Instituto Nicaragüense en Estudios Humanísticos* (INEH), which is implementing the Program in Nicaragua, the Program agreed that the course would be reviewed by CONADER (*Comisión Académica para el Derecho*) for accreditation. The Program has received observations from CONADER and will follow up to make sure INEH and CONADER draft and sign an agreement. The Program has begun paperwork to hire consultants for the specialized course in Nicaragua.
- The Program held the first module of the Graduate Law Specialization Program on Oral Hearings and Due Process in Nicaragua from June 21-23 for university professors, labor lawyers, NGOs working with human rights, and others.

## **Result 2.6 Creation of judicial laboratories for court training in at least four CAFTA-DR countries.**

### **Guatemala**

- The Program is reviewing bids for the construction of legal laboratories at the *Escuela de Estudios Judiciales*, and is writing the Terms of Reference for the physical renovation and supervision of the space which will be used for the Hearing Room and Courtroom Laboratory. All progress has been reported to the Director of the law school, Aida Franco.

### **El Salvador**

- The Program has made progress on preparing a strategy to implement the judicial management course module, including structuring topics and collecting information, and organizing it by processing times.
- Several presentations were made to the *Consejo Nacional de la Judicatura* (CNJ) on the judicial management model and the application of the labor justice management system (*Sistema de Gestión de Tribunales Laborales* - SGTL). The Program also provided an architectural design for a legal laboratory; however, no official response has been received to date. The CNJ is in the process of changing five council members, including the president.

## Component 3: Procedural Streamlining

---

### Result 3.1: ADR Systems or Centers Established to Support Integrated Courts in at least Three Countries.

#### Guatemala

The Program has provided the following technical assistance to support the conciliation process in labor courts:

- Workshop on “Legal Processing and Labor Conciliation”, April 27<sup>th</sup>, for 15 judges from the Guatemala Labor and Social Security Courts located in Guatemala City, Cuilapa, Santa Rosa and Antigua. The training was located in Sacatepéquez and was facilitated by a Program Sponsored ADR Specialist.
- Workshop for the Labor Court of Cuilapa in the Department of Santa Rosa and the Labor Court of Antigua in the Department of Sacatepéquez on techniques to strengthen labor conciliation hearings, oral hearings and processing flows. Suggestions were based on the Program’s observations of hearings in these courts.
- Workshop on “Legal Processing and Labor Conciliation”, April 29<sup>th</sup>, for Appellate Court judges and judges from the Appellate Courts of Labor and Social Security in Guatemala. The workshop was facilitated by a Program Sponsored ADR Specialist
- Workshop on “Legal Processing and Labor Conciliation” May 7<sup>th</sup>, for five Public Defenders from the Ministry of Labor and Social Security. The workshop was facilitated by a Program Sponsored ADR Specialist

#### El Salvador

- The Program has designed technical assistance for the Public Defender’s Office and the Ministry of Labor and Social Security to reorganize the administrative conciliation process. Full scale implementation of the technical assistance is pending approval from the Attorney General’s Office.

### Result 3.3.1 Technical Assistance for Universities and/or NGOs to Conduct Legal Research Related to Labor Law and Provide Training in ADR and Oral Hearings.

This quarter, the Program coordinated with IT Specialists from each country, except the Dominican Republic, to improve the technical capacity at the Labor Observatory. Next quarter the Program expects to hold workshops with participants from El Salvador, Guatemala, and Costa Rica to define a methodology for collecting information.

### Result 3.3.2 Technical Assistance for the Public Defender’s Office in El Salvador to Facilitate Legal Assistance and Representation for Workers.

#### El Salvador

##### **Public Defense Management: Oral hearings performance and single station model**

- MSD provided technical assistance to the Salvadoran Public Defender’s Office to identify Public Defenders to participate in performance evaluations. The Program also created a single station model

for serving the public. The single stations will allow current Public Defenders to quickly advise clients, register their information and begin the litigation process. The Program also met with officials from the Public Defender's Office to discuss the methodology used to calculate case workloads and data that would be gathered from the Public Defender's Office and Integrated Court Center. Since this initial meeting, the Program reviewed files from the Public Defender's Office, collected baseline data to create workflow matrix, conducted interviews with public defenders to evaluate case management, file management, strategies to manage cases, and the format and content of each case.

### **Measuring Workflows**

- The Program analyzed workloads for staff responsible for distributing files, sending notifications and interacting with notifying agents from the Public Defender's Office, customer service, labor public defenders and logistics assistants.
- The Program recorded initial interview times with citizens at the Public Defender's Office to determine the status of a case and with public defenders.

### **Information system**

- The Program technical staff met with Sandra de Dueñas of Pact and the IT Specialist to analyze the current user service system proposed for use in the labor courts. The goal was to determine whether this system could be incorporated into the integrated system used by the Public Defender's Office. After analysis it was clear to the Program IT Staff that it would be simpler to make changes to the PDO's current system rather than incorporate the system developed by Pact. By waiting for Pact to complete their information system before beginning enhancements, Program implementation of system upgrades will not begin until next quarter.
- This quarter, the Program hired an IT Programmer to develop an initial work plan for the IT specialist at the Public Defender's Office. The plan will lay out a timeline for improving the current information system. The Program also worked with IT Specialists to analyze interface screens from the current system<sup>1</sup>. MSD and PDO IT staff also discussed the possibility of using the information in the system to generate reports and what changes would be required in order for the system to generate reports.

Progress made on the system includes:

- The creation of an HTML code to generate requests made by the Workers' Rights Office
- The development of an T-SQL code which will enable the current software to create tables, integrate with the SIG-PGR database and generate data for use in case files
- The Program will begin testing the single station model once upgrades to the court's information system are complete

### **Renovations**

- The Program met with the Attorney General and her technical team to discuss the impact of delays in the start-up of construction on the Public Defender's Office and upgrades to the Vicente Machado Building<sup>2</sup>, which houses a portion of the labor courts.

---

<sup>1</sup> The current system allows user to store and access data on advisory services, case data and other area applications are entered.

<sup>2</sup> The concession offer was published on April 26.

The Public Defender's Office will provide a portion of the funds for the electrical upgrades through a public concession. This concession was provided by the Government of El Salvador using funds from Fiscal Year 2009. The Treasury Ministry and Director of National Accounting provided an extension which will allow the Public Defender's Office to use the funds in FY 2010.

- After a discussion of the construction project between Mr. German Muñoz, Mr. Lopez, court house logistics personnel, and Mr. Rivas from the Public Defender's Office, the Program decided to take down part of the Vicente Machado building infrastructure where the restructuring would have occurred so that renovations could be made for the Workers' Rights Office. The counterparts agreed that leftover materials from the construction would be disposed of properly and following instructions from the local mayor's office to ensure complete compliance with USAID policy.



César Solanilla, Helen Muñoz and Architect Comandari review the blueprints for the "Vicente Machado" building renovations at the Public Defender's Office

- Renovations to the Vicente Machado building are underway. The building has been connected to the network grid and the front walls have been completed. The old walls were removed and new walls were built and painted. The Program also worked with the city to provide potable water and repair the main cistern.

### **Furniture**

- The Program solicited bids to purchase furniture and followed all USAID source and origin requirements. The request for proposals was published on May 3, 2010. Due to source and origin limitations the pool of firms capable of providing the equipment was small and pricing for the required furniture was higher than expected. MSD received USAID approval on the revised costs estimate and signed a contract with OLINS in early June.

## **APPENDIX 1**

**LIST OF TRAINING EVENTS APRIL - JUNE 2010**

Events						Participants															
Issue	Result	Country	Date	Name of Event	Name of Consultant/Facilitator	Gender	Chief Judges	Judges	Judicial Branch employees	Public Defenders	Lawyers	Judicial authorities	Teachers	Technical staff CNJ	Defense attorneys	Students	FGR	Others	Subtotal	Total	
1	1	Gt.	April 7, 2010	Activity to improve oral hearings for labor courts	Consultant Javier Said	M	5		2		2								1	10	35
						F	6		1		1										
2	3	ES	April 8 – 9, 2010	Module II degree program in labor law. Basic rights for labor processing and law. Group I. PGR	Dr. Manuel Bellido Aspas	M	5	7	2		2		1						1	18	27
						F	2	10	3		1										
1	1	Gt.	April 12, 2010	Presentation and training for legal assistants	MSD Consultants Guatemala	M				11						1				12	10
						F				14											
1	1	Gt.	April 13, 2010	Presentation and training for legal assistants	MSD Consultants Guatemala	M					1	4							1	6	11
						F					1	2									
2	3	ES	April 12 – 13, 2010	Module II degree program in labor law. Basic rights for labor processing and law. Group II. PGR	Dr. Manuel Bellido Aspas	M					2	4							1	7	30
						F					1	2									

**LIST OF TRAINING EVENTS APRIL - JUNE 2010**

Events						Participants													
2	3	ES	April 14 – 15, 2010	Module II degree program in labor law. Basic rights for labor processing and law. Group III. PGR	Dr. Manuel Bellido Aspas	M				16								16	28
						F				14								14	
1	1	CR	April 15, 2010	Workshop to submit and review information system documents	Javier Said/Franklin Acuña	M				10								10	6
						F				18								18	
2	3	ES	April 16, 2010	Module II degree program in labor law. Basic rights for labor processing and law. Group III. Colleges.	Dr. Manuel Bellido Aspas	M		2									3	5	23
						F											1	1	
3	1	Gt.	April 23, 2010	Techniques to strengthen conciliation processing	Dr. Julia Scandale	M						6			1			7	35
						F						13		3				16	
3	1	Gt.	April 27, 2010	Judicial processing and labor conciliation Guatemala	Dr. Julia Scandale	M					21						1	22	18
						F				1	11						1	13	
3	1	Gt.	April 29, 2010	Judicial processing and labor conciliation Guatemala	Dr. Julia Scandale	M		6		1							1	8	17
						F		9									1	10	
2	3	ES	May 18 – 21, 2010	Module III degree program in labor law. Protection as part of the public defense process for labor rights. Group I. PGR	Germán Rivera	M	6			2							1	9	41
						F	5			1		1					1	8	

**LIST OF TRAINING EVENTS APRIL - JUNE 2010**

Events						Participants															
2	3	ES	May 25 – 28, 2010	Module III degree program in labor law. Protection as part of the public defense process for labor rights. Group II PGR.	Germán Rivera	M				18						1				19	31
						F				20									2	22	
2	3	ES	June 8 – 18, 2010	Workshop to improve oral hearing techniques and strategies in oral litigation	Miguel Méndez Palomo	M				15									15	34	
						F				16									16		
1	1	Gt	June 17, 2010	Workshop conversation on oral hearing techniques for labor court processing Guatemala	Judge Carlos Roberto Cruz Umanzor	M				14						2			1	17	16
						F				16									1	17	
1	1	Gt	June 18 – 19, 2010	Workshop on oral hearing techniques for labor court processing and judges	Judge Carlos Roberto Cruz Umanzor	M	5		1	2									1	9	25
						F	4		1	1									1	7	
2	3	NIC	June 21 – 23, 2010	Module I Constitutional interpretation of fundamental rights	Dr. Diego López	M	1	7	1	2									1	12	43
						F		10		2									1	13	
3	1	ES	June 21- 26, 2010	Continuation of Module III degree program in labor law	Germán Rivera	M			3	5		17							25	78	
						F			1	8		9							18		
Subtotals						M				32						1			33	801	
						F				45											45