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**REVIEW, ASSESSMENT AND RECOMMENDATIONS
FOR THE IMPROVEMENT OF ADMINISTRATIVE
PROCEDURES FOR THE ADMINISTRATION OF
JUSTICE IN PARAGUAY**

Presented to

USAID Representative to Paraguay

and

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by

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INTRODUCTION

1. General Requirements of TSO

This report is prepared pursuant to Technical Service Order No. 23, Technical Assistance to USAID/Paraguay, Administration of Justice Requirements Contract No. LAC-0002-C-00-9034-00. The TSO requires that two technical consultants experienced in court administration travel to Paraguay during November 1990 to interview judicial, support staff and other key officials to analyze existing administrative and financial support activities of the Judicial Branch of Paraguay. After preliminary observations and evaluations, the team leader is required to brief members of the Supreme Court of Paraguay and other key personnel of the team's findings, outline a priority listing of existing problems and to present recommended solutions. Upon returning to the U. S., the team leader will prepare a written report which will include a description of the activities completed and the team's findings and conclusions and its recommendations.

2. Specific Requirements of the TSO

The TSO requires the team to address the following general topics in its review and analyses to determine pertinent recommendations to improve administrative procedures in support of the administration of justice in Paraguay:

- a. Caseflow Management
- b. Personnel Administration
- c. Records Management
- d. Financial Systems and Controls
- e. Automation
- f. Communications
- g. Court Relations with Outside Entities

3. Period Covered by Consultants' Visit

The team leader was Mr. Jesse Casaus, Retired Clerk, U.S. District Court, District of New Mexico, and the other member was Mr. Henryk Montygierd-Loyba, Divisional Manager, Judicial Operations, U.S. District Court, Southern District of Florida. Mr. Casaus was in Paraguay from November 4 to 24, 1990. Mr. Montygierd-Loyba was in country from November 4 to 18 1990.

4. Documents Reviewed

The consultants reviewed the reports, laws, codes and other pertinent documents listed in Appendix No. One to this report.

5. Persons Interviewed

The team interviewed representatives of all levels of courts and of most administrative support offices in Asuncion, Encarnacion and Ciudad del Este. Representatives of the local USAID, U. S. Embassy and other pertinent organizations were also interviewed. A listing of the persons interviewed is included as Appendix No. Two.

6. Report Format

This report covers the positive aspects of the court administration activities of the Judicial Branch of Paraguay. The report scrutinizes the administrative procedures of those areas of review mandated by the TSO, analyzes such procedures and makes pertinent recommendations to improve the administration of justice in Paraguay. Finally, the report sets forth in an order of priority brief summaries of the problems and recommendations.

7. Preliminary Briefing of Findings and Recommendations

An oral presentation of the team's findings and recommendations was made to the following members of the Supreme Court of Paraguay on November 23, 1990, at the "Palacio de Justicia":

Dr. Jose Alberto Correa, Chief Justice
Dr. Geronimo Irala Burgos, Member
Dr. Francisco Pussineri, Member
Dr. Albino Gracete Lambeasse, Member

Also present at the briefing were:

Dr. Luis Escobar Faella, "Fiscal General"
Dr. Carlos Acuna Lugo, "Secretario General"
Mr. Michael Ranneberger, DCM/US Embassy
Ms. Rose Likens, Political Officer, US Embassy

An outline of the pertinent items included in the oral briefing is included in this report as Appendix No. Three.

CHAPTER ONE
POSITIVE ASPECTS OF COURT ADMINISTRATION
BY THE JUDICIAL BRANCH

1. Desire for an Independent Branch of Government

Paraguay is a country in transition towards democracy. There are clamors from many quarters, as noted from the media and the general public, for a truly independent Judicial Branch with its appropriate credibility, honor and dignity. Such attitudes were also vividly expressed to the consultants by many of the judges interviewed during visits to their courts. These judges admit that the judiciary still suffers from elements of disrepute acquired during the Stroessner regime. However, the majority of the judges interviewed expressed the hope and desire that all of their colleagues will through conscientious exercise of impartiality, competence and fair judgments accelerate the day when the Judicial Branch will effectively function as a separate but equal branch of government.

2. Desire to do Good Job

In spite of shortcomings in administrative and logistical support, it was noted that the majority of judicial support employees interviewed reflected an obvious desire and resolve to do a good job with their support functions for the judiciary. Many employees advised that despite the relatively minimal salary which they receive, they wish to contribute productive results, honor and dignity to the Judicial Branch.

3. Judicial Buildings (Palacios de Justicia)

The Judicial Branch has constructed outstanding "Palacios de Justicia" in Asuncion and in Encarnacion. These buildings are beautiful, spacious and well planned. The building at Asuncion was built in 1983 with a loan from the government of South Africa is in its final stages of payment through portions of the judicial taxes (tasas judiciales) collected by the "Ministerio de Hacienda" for various judicial and registration functions accomplished by the Judicial Branch. The building in Encarnacion was completed in 1990 and plans are underway for a similar building at Ciudad del Este during 1991.

4. Automation Efforts

The Judicial Branch has several automation efforts underway indicative of a desire for modern technology to assist with the administration of justice.

a. Judicial Data Bank

A major automation effort was initiated in January 1990 to automate laws, codes and Supreme Court decisions using a personal computer through the voluntary efforts of Professor Ramiro Barboza of the Catholic University of Asuncion. The input is being accomplished through abbreviated descriptions and summaries with full text in the future. The entry phase is to be completed by the end of 1990 with training for the judiciary to commence in February 1991.

b. Caseflow Management Pilot Plan

(1) A pilot plan for automated caseflow management was initiated the first part of October 1990, in the Criminal Court of First Instance, Second Tour, in Asuncion (Juzgado de Primera Instancia en lo Criminal, Segundo Turno de la Circunscripcion Judicial de Asuncion). This pilot plan was initiated with a loaned personal computer, however, on November 20, 1990, the court received a WANG personal computer from USAID/Paraguay.

(2) The caseflow management pilot court is using software provided by Professor Barboza. The entries are made only by Judge Luis Maria Benitez, Professor Barboza and by a special operator used in the project. Entries are made into two programs, DATACORT and DATALEX. As of November 7, 1990, 250 routine criminal cases had been entered into DATACORT and 63 entries of priority in-custody cases had been made into DATALEX. Eventually, as more courts become automated, DATACORT will be used for automated caseflow management and DATALEX will be used for the judicial data bank.

c. Criminal Statistics and Prior Criminal Information.

(1) The Office of Criminal Statistics performs two automated functions, one deals with the entry of totals of criminal cases initiated in the Asuncion judicial circuit, while the other reports prior criminal information upon request. Similar data will be obtained and reported for the courts outside of the capital sometime in the near future.

(2) Data has been collected on each criminal case in Asuncion from 1979 to date. The program was developed by a private firm in 1985, with entry made through two personal computers owned by the Judicial Branch. The printer used by this office is owned by the "Ministerio de Relaciones Exteriores". The data input is by the batch method from forms completed in each "secretaria" and from case files routed to the criminal statistics office by each trial court "secretaria" as a new criminal case is initiated.

d. Automation of Microfilm Data

(1) In January 1987, a microfilm project was initiated to record the nearly 800,000 properties (fincas) which are currently registered by the Directorate of the Public Registry (Direccion General del Registro Publico) which functions under the Judicial Branch. As of November 6, 1990, approximately 70,000 properties had been microfilmed to facilitate the nearly 2,000 daily requests for registration and/or information on property ownership, transfers or other actions.

(2) An automated system was initiated to locate the microfilm for a specific piece of property for viewing or for copies now completed more rapidly than the manual method which can take several weeks.

5. Organizational Changes

The Judicial Branch has made certain organizational changes which reflect a concern for permitting more effective access to the administration of justice by the general public.

a. Internal Auditor (Auditoria Interna)

(1) The Office of Internal Auditor was established in approximately August 1990 and reports directly to the "Presidente de la Corte Suprema". The office was established as a result of an audit by the "Ministerio de Hacienda" which disclosed an irregularity of 230 million guaranies in one section dealing with judicial taxes (tasas judiciales) in the Public Registry.

(2) The Internal Auditor is reviewing the judicial tax receipts for the month of September 1990, and plans to review prior periods for all sections of the Public Register.

b. Budget Control Office

(1) The office for budget control has been recently divided into two units, a Judicial Paymaster Office (Giraduria) and a Central Accounting Office (Contable Central).

(2) Presently, the Budget Control Office handles the issuing of checks in payments of salaries and for all miscellaneous expenses, such as supplies, equipment, repairs, maintenance, etc. The office also maintains the accounting for all budget allocations, expenditures and balances. With the "Contable Central", the functions of payment and accounting will be separated as required by good accounting principles. Although the "Contable Central" has been formally

established, it is not functioning as yet, it is in an automation planning phase and awaiting more staff and automation hardware.

c. New Court Jurisdictions

(1) The Supreme Court in providing for better access to justice has realigned the jurisdictional territories of some judicial circuits and created a new "circunscripcion judicial" with headquarters at Coronel Oviedo.

(2) The Court has also recently created two additional labor trial courts in Asuncion and a new court of appeals for labor matters has been included in the 1991 budget.

**CHAPTER TWO
CASE MANAGEMENT PROBLEMS**

I. CASE DELAYS, CASE CONGESTIONS AND CASE BACKLOGS

1. Major Problem Area

a. It is evident that there is a large number of cases, especially criminal cases, backlogged because of the lack of proper attention that deadlines are being met for every required step of the inquisitory and sentencing process. This disregard for required action on a timely basis is resulting in unsurmountable high levels of case congestions and unacceptable case delays. Random reviews of case files by the consultants revealed that apparently large numbers of accused defendants are being detained in custody without the completion of the necessary investigation for verdicts and sentences, as appropriate. In several cases, it was evident that the accused defendants had already been in custody for as long or longer than the sentence would require if they had, in fact, been found guilty.

b. In one criminal case, in particular, it was noted that the case had been in a pending status for over five years. The offense involved a triple homicide with the accused arrested and in custody. The case file revealed that some investigation had been accomplished, however, a statement had not been taken of the accused. The "fiscal" contended that this was a "hopeless case" in that there were no witnesses available now to the offense. If the accused were to be declared guilty, the "fiscal" advised that the defendant would, no doubt, appeal and in all probability be released because of the lack of evidence. The procrastination has continued with this case as both judges and "fiscales" have been substituted by other judges and "fiscales" but the case remains inactive.

c. These case delays, congestions and delays which deprive Paraguayans of their due process are the result of many contributing factors included as deficiencies in this report.

Recommendation: Because of the unreliability of the statistics presently available, it is recommended that an all-out task force effort be undertaken immediately by the Judicial Branch to attend to those pending cases in which accused defendants are in custody but whose cases continue pending without judicial action. It is further recommended that the Supreme Court appoint a committee, chaired by a Supreme Court member or the "Fiscal General" and composed of dedicated judges, "secretarios, fiscales, defensores publicos", private attorneys and law school professors, to plan the strategy and procedures to accomplish this clean-up action as soon as possible. This effort will require the selection of the most qualified and conscientious judges and support staff and special training to assure complete understanding of the need for urgent but proper regard for due process to resolve this major problem.

2. Insufficient Work Hours

a. The official court hours for the judiciary and for judicial support personnel is only from 7:00 A. M. to 12 noon. Although this is the general work schedule for most public agencies, the number of hours officially required for the courts to maintain adequate levels of judicial service is not sufficient to keep up with the increasing number of cases being filed as a result of the country's increasing population and economy.

b. The consultants were advised that the relatively minimal salaries received by the judiciary and especially by the judicial support employees require that their afternoon non-work hours be used for other employment or business activities to augment their income. However, the limited hours which the courts operate materially contribute to the backlog of cases which is causing individuals to remain in custody for unacceptable periods of time before final resolutions. Furthermore, these limited hours also serve as a detriment to the access to the administration of justice for many citizens.

Recommendation: It is recommended that the Supreme Court consider establishing from 7:00 to 12 noon and from 3:00 PM to 6:00 PM as the official work hours for those criminal courts of first instance which have large backlogs of criminal cases and for those courts which are not meeting the required deadlines for criminal defendants who are in custody and have not been tried.

It is further recommended that the pertinent judiciary and court support staff of such courts be paid extra compensation for the additional hours of

work. Furthermore, it is recommended that this work schedule be used on a pilot basis with one or two of the most overloaded courts for a six-month period and results evaluated with non-pilot courts to determine whether such additional work hours are effective to decrease backlogs.

3. Lack of Reliable Statistics

A major deficiency revealed during the consultants' visit to the Paraguayan courts was the lack of reliable statistics concerning the volumes and kinds of cases which the courts are receiving, closing and have pending for resolution and/or disposition. This problem of insufficient, untimely and unreliable statistics is considered of paramount importance to the problems which the Paraguayan courts face with their case backlogs.

Recommendation: It is recommended that immediate action be taken to establish a single central statistics office to commence gathering essential and complete statistics on a timely basis from all courts to determine the actual state of the Judicial Branch as regards its actual caseloads and problems with pending cases to form the foundation for proper planning to resolve and prevent future problems which have lead to the present undesirable situation. It is recommended that statistics be gathered by category of cases initiated, closed, pending, age of pending cases and reasons for delays beyond deadlines. After a period of statistical reliability, the Supreme Court through its central planning office and ad-hoc committee of judges should establish appropriate caseload norms for handling and completion by each judge of every level of court. Likewise, a formula can be developed to use in determining the proper manning formulas for administrative support staff for each type of court. The information on individual workloads can be used for budget projections, for determination of when new courts should be considered, to determine judicial training needs and for pin-pointing problem judges and problem courts.

4. Lack of Uniform Procedures

Other than the Code of Judicial Organization (Codigo de Organizacion Judicial), Law No. 879 and its amendments and the Supreme Court decrees (acordadas) which outline administrative and operational responsibilities in a very broad, general and mostly outdated terms, there are no operational manuals nor written guidelines for the uniform administration of court functions and administrative procedures. Most of the judges and "secretarios" establish their own informal non-written procedures when a judge is newly assigned to a specific court. As a judge is transferred or his term of office is not renewed, the new incoming judge institutes his own new procedures, creating confusion

for the "secretaria" staff with the resultant effect of more case delays.

Recommendation: It is recommended that the Director of Administrative Services for the Judicial Branch of Paraguay undertake the preparation of operational manuals for all entities within the court structure. The manuals should be prepared after a detailed study is completed by an appropriate committee composed of judges, "secretarios", administrative employees and other pertinent staff. Manuals should be prepared for each level of court and for each administrative support unit and should assure that "bottle-necks" are identified, corrected and uniform procedures established for improving caseload management and efficient administrative procedures. The manuals should be drafted and distributed to selected courts for review and comments to assure that all pertinent corrections are incorporated in a final format which allows for changes to be easily inserted when required.

5. Lack of Case Management Controls

The writers noted during their court visits that there are no effective control mechanisms to ascertain the status of a case to determine whether and when specific actions should be taken to comply with procedural deadline requirements. It is necessary to review the case file and its "caratula", however, such is often impractical because of the lack of filing equipment with most of the files in stacks on "armarios" or on the floor without a formal nor effective warning system for required actions.

Recommendation: It is recommended that a case summary or docket sheet (hoja de resúmenes de acciones) be prepared and kept for each case opened. Case summaries or docket sheets are universally kept by most courts for three significant functions:

a. The docket sheet permits the determination of the status of a case quickly without having to review the case file.

b. It permits proper case controls to be exercised if a required action has or has not been accomplished at its required time.

c. The docket sheet also permits the reconstruction of case file if the original file is lost, stolen or destroyed as the docket should be kept separate from the actual case file.

It is emphasized that to have an effective case summary or case docket sheet, it is important to have a useful form to record proper entries. The format for a docket sheet for a criminal case can be one similar to that

included as Appendix No. Four. A suggested format for a docket sheet for other "materias" is included as Appendix No. Five. It is indispensable that all pleadings, orders, judgments, sentences and all other pertinent documents which go into the case file jacket (carpeta) be assigned a page number and the contents of the document be summarized, entered on the docket sheet with the date the document was filed and the page number assigned to the document as a quick reference to locating a specific document within the "carpeta".

A uniform file number system should be used for all cases and docket sheets and case files kept in numerical order. When a case is disposed of, the docket sheet should be removed from the active docket sheets and placed in a separate safe location for closed docket sheets. Likewise, when a case is appealed, the docket sheet should be removed from the active docket sheets and placed in a separate location for cases on appeal. If a case is remanded back from the court of appeals for further action, the docket sheet is returned to the active files docket sheets to be used as a control mechanism for whatever further action is required. If the court of appeals affirms the decision or otherwise disposes of the case, the docket sheet is removed from the appeals docket sheets and placed with the other closed docket sheets.

An important responsibility for each judge and "secretario" is to assure that all documents which are to be placed in the case file jacket (carpeta) are first entered in summary form on the docket sheets before the documents are filed as otherwise, the docket entries may be overlooked. Furthermore, the judge and "secretario" must assure that a proper flow chart is prepared and analyzed to establish procedures as to who will be responsible for the docket entries at the proper point of the case flow. It should be remembered that the court support employee (funcionario) who is responsible for a specific case must notify the "secretario" and/or judge when deadlines are reached and whether the required action at that step of the process has or has not been accomplished. Appropriate follow-up action must be made to assure compliance with the required deadlines.

6. Lack of Adherence to Deadlines

a. It was readily admitted by judges that the deadlines established by the various laws for procedural steps in criminal, civil and other "materias" are, for the most part, disregarded and are not being met. This deficiency is evident since control mechanisms within each court are not being used to provide notices to the judge that deadlines are not being kept or are not honored.

b. The above deficiency occurs in spite of the requirements of Article 197, Chapter II, Title VII, Code of Judicial Organization (Codigo de Organizacion Judicial) which requires that judges of trial and appeals courts report every three months the case number of each case initiated, terminated, and where appropriate, the cases where judgments and sentences were entered. Article 197 furthermore requires that judges in criminal matters must also report the status of such cases, however, the writers were unable to determine that such required reporting is being used in any fashion to expedite those cases which are pending but without the appropriately due action.

Recommendation: It is recommended that a study be undertaken by an appropriate committee to determine whether the presently required deadlines are practical in light of their gross disregard. In the meantime, it is recommended that the control mechanisms described in paragraph 5 above be used with an appropriately mandated docket sheet to assure compliance wherever possible with the required deadlines.

It is also recommended that the Fiscal General take positive steps to ensure that the "fiscales" assigned to each court are bringing to the attention of the appropriate judge those cases where the deadlines for required "instruccion" and/or "sentencia" actions have not been met.

7. Duplication of Effort

a. "Juzgados de Primera Instancia"

(1) Through "Acordadas de la Corte Suprema de Justicia", each "juzgado de primera instancia" and "salas de tribunales" has a system whereby each such court alternates tours of duty by shift (turno) or by share of total cases (cupo). For example, each of the eleven "juzgados de primera instancia en lo criminal" in Asuncion has a tour of duty (turno) for 15 days which rotates successively among the eleven "juzgados", i. e., for January 1 through 15th, 1st "turno"; January 16th through 31st, 2nd "turno", etc. New cases are assigned to the "juzgado de primera instancia en lo criminal de turno", however, if the offense occurred during a period when another "juzgado" was "de turno", the case is subsequently transferred to that court.

(2) As regards other "materias", the distribution of cases is done by share of cases (cupo), i.e., "juzgados de primera instancias en lo laboral de turno" receive all cases until they receive a total of 80 "expedientes" or cases, at which time, the next 80 cases will go to the next "juzgado de primera instancias en lo laboral de turno", etc. In civil and commercial cases, the first 600 "expedientes" go to the "juzgado de primera instancia en lo civil de turno", with the next 600 cases going to the next "juzgado de primera instancia en lo civil de turno", etc.

(3) Periodically, when there are overloaded courts or new "juzgados" or "tribunales" are created, the Supreme Court through an "acordada" will change the order of "turnos" and/or will redistribute cases, usually by the first initial of the last name of the primary "actor".

(4) It is the opinion of the consultants that the "por turno" and "por cupo" systems of assigning cases to "juzgados de primera instancia" are archaic, inefficient and subject to "judge shopping". It is inefficient in criminal matters because so many of the cases which are initially assigned to the "juzgado de primera instancia en lo criminal de turno" have to be reassigned to the "juzgado" which was "de turno" at the time of the offense often not determined until a later date. These procedures necessitates necessary intake entries in the "mesa de entrada" records plus in the indices book of the appropriate "secretaria" which was "de turno" within the court which initially received the case. However, after it is ascertained that the offense occurred when another "juzgado" was "de turno", necessary administrative and judicial processes must be followed to transfer the case to the proper court. This, according to many of the judges and "secretarios" interviewed, occurs quite often and causes additional delays in the overall caseflow process.

(5) In the "por cupo" procedure for civil, commercial and labor cases, the procedure of assigning a set number of cases to each "juzgado de turno", permits attorneys and parties to determine whether they want to file their case with the current duty judge. Attorneys usually know who the efficient judges are and which judges to avoid. Thus, if an inefficient judge is "de turno", attorneys usually wait to file their cases until that judge reaches his "cupo" and then the attorneys will file their cases with a judge who is a friend or is more efficient. This procedure results in a hard-working judge being penalized for being efficient and receiving more difficult cases and his "cupo" reached in a relatively short time while the inefficient judge is rewarded by getting relatively simple cases over and extended period of time.

Recommendation: It is recommended that the "de turno" and "por cupo" systems of case assignments be eliminated as inefficient and unfair. It is further recommended that a central case assignment system based on a random, equal distribution procedure be used for each judicial circuit (circunscripcion judicial). This system can be done manually, until an automated system is installed. The manual system can be initiated by establishing a central case assignment office at each "circunscripcion judicial" headquarters and with the use of pre-printed and pre-shuffled packaged cards with equal but random assignments to each juzgado for each type of "materia". The pre-printed cards should be placed face down so as not to be legible from the top and bound with adhesive binding on three sides. When a case comes in for assignment, the responsible case assignment employee tears of the top card of the pertinent type of case

assignment cards to read to which "juzgado" the case should be assigned.

b. Double "Secretarias"

(1) The consultants noted that each " juzgado de primera instancia" has two "secretarias". each composed of one "secretario", one "oficial", one typist and one messenger (ujier). It was also noted that "juzgados de primera instancia en lo criminal" usually have two typists but only one "ujier" for the two "secretarias".

(2) Duplication of effort occurs because the two "secretarias" maintain two separate intake books and two separate indice books for one court (juzgado de primera instancia). The consultants, who had never witnessed this double "secretaria" system before in the many courts in other countries which they have reviewed, noted also that different administrative procedures are used by each separate "secretaria", i.e., inconsistencies of case file formats, document page numbering, retention of case files by dates while others keep by first initial of accused, differences in control and retention of exhibits (pruebas), etc. Inefficiency is also obvious because each "secretaria" is "de turno" for one week of the 15 days when its "juzgado" is "de turno". All cases which are initiated when a specific "secretaria" is "de turno" are assigned to that "secretaria" for administrative handling and processing. This arrangement gives rise to inequities as one "secretaria" may receive a maximum number of cases during its shift while the other "secretaria" might receive a minimal number of cases. Thus, the personnel of one "secretaria" may be inundated with work while the other may have considerable free time.

(3) This split "secretaria" system is also confusing to the criminal defendants, attorneys and the general public as well as the administrative units of the Judicial Branch who must keep track of specific cases by the "secretaria de turno" as well as the "juzgado de turno". This creates special problems in making this determination for prior years.

Recommendation: It is recommended that the staff of the two "secretarias" in each "juzgado de primera instancia" be consolidated into one "secretaria". The most qualified "secretario" can be designated the "secretario" for that "juzgado" while the other "secretario" can be designated "vice-secretario". Cases can be assigned for administrative handling by the combined "secretaria" staff on a case rotational basis or as a pool for all cases assigned to the "juzgado".

c. Notifications

Under the present system, each "juzgado de primera instancia" has one "ujier" assigned to each of its "secretarias". This system varies with "juzgados de primera

instancia en lo criminal" which have one ujier assigned between its two "secretarias". The "ujieres" are responsible for making service of process issued by their "juzgados", independent of the notification needs of other "juzgados". Such individual operation of the notification process results in gross inefficiency because "ujieres" from two different "secretarias" or from different courts could be going to the same general destination at the same time without coordinating such trips.

Recommendation: It is recommended that a Central Notifications Center be established for each "circunscripcion judicial" to consolidate the notification process and avoid duplication of effort and avoid further delays in case processing.

CHAPTER THREE PERSONNEL ADMINISTRATION PROBLEMS

1. Instability of Judiciary

A key resource of any worthwhile judicial system is a truly effective judge. A review of the judicial system in Paraguay reflected many areas of judicial concern which impact directly on the quality of judiciary the country is going to have. Some of these are listed below.

a. Limited Terms

The judiciary in the court system of Paraguay is appointed by the Executive Branch for terms of five years. However, the terms of appointment can be for a lesser period for interim appointments because all appointments terminate with the end of the presidential term. This results in a degree of uncertainty of continuity in judicial service which was voiced to the consultants by certain judges that there is no assurance that even a highly competent and effective judge may be reappointed when the terms expire.

b. Appointment by the Executive Branch

Although the Supreme Court approves the appointments of judges, the appointments are, in effect, the result of political selection for the most part with direct appointment by the President through the Executive Branch. Political involvement by judges is prohibited by the Code of Judicial Organization, however, there is not much doubt by the judiciary that politics play a very significant role in appointments and reappointments of the judiciary.

c. No Probationary Period

Article 191, Chapter I, Title VII, Code of Judicial Organization under Law No. 879 and its amendments, sets forth the qualifications necessary for judiciary positions on the Supreme Court, Courts of Appeal, Courts of the Controller of the Currency (Tribunal de Cuentas), First Instance Courts, Justice of the Peace (Attorney) Courts and Justice of the Peace (Non-attorney) Courts. Chapter IV of Title VII also sets forth the procedure for the removal of a judge by the Supreme Court. There are, however, no probationary periods (concurso) prescribed for judiciary candidates for the five year appointment.

d. No Staggered Terms

All appointments are for five years or less but all appointments regardless of when made terminate with the end of the presidential term. Since all current judiciary appointments in Paraguay will terminate in 1993, conceivably, the entire judiciary could fail to be reappointed with disastrous results to the continuation of judicial services throughout the country.

e. Lack of Judicial Career Ladder

There is no formal structured career progression program for the judiciary in Paraguay. The lack of such a system for promoting competent judges to positions of greater responsibility results in discouragement of capable and qualified judges in continuing with a judicial career. This occurs because there is no incentive for progression and a very distinct possibility of failing to be reappointed. Furthermore, the lack of such a program permits the appointment of less qualified attorneys or judges over those of proven ability and experience.

f. Inadequate Salaries

(1) Concern was also voiced by several judges that their salary compensation is inadequate in comparison to counterparts of adjoining countries of colleagues who have left the bench for private practice. It was pointed out that a first instance judge in Paraguay receives 25% of the salary received by a similar judge in an adjoining city in Brazil. The judges also expressed great concern for the minimal salaries which are paid to their administrative support staff, especially during the current high inflationary rates.

(2) It was noted that 37% of the judiciary's salary comes from judicial revenue taxes which are not included as a budget allocation. Inasmuch as judicial taxes can vary from month to month, judges feel that depending on these judicial taxes is unfair and improper because these taxes are not a set guarantee that the expected salary will be paid.

g. Training Unavailable Through the Judicial Branch

Several judges reflected concern that the Judicial Branch in Paraguay does not provide judicial training in a meaningful and useful proportion. Most of the judicial education which the judges receive is through the Association of Judges and the through local universities paid for by the judges. Almost all judges interviewed advised of the dire need for a judicial college or institute within the Judicial Branch for more appropriate and useful judicial curricula.

h. Lack of Control Over Support Staff by Judges

A judge's effectiveness depends to a large extent on the quality of support staff available. Many of the judges complained they have no input into the selection of administrative support staff assigned to their courts. Many of the administrative employees hired do not have the proper qualifications, training nor experience to accomplish their duties in a competent manner. Yet, the judges lack the ability to terminate such employees, allegedly because the employees may be related or friends of someone with influence. Incompetent staff is very disconcerting to the judges because they are unable to delegate functions which competent and capable support staff normally handle.

i. Lack of Library Support

Judges also stated that the lack of minimal basic libraries make it very difficult to carry out their responsibilities properly. They are expected to purchase their own codes, statutes and other such resources from personal funds as these are not furnished by the Judicial Branch. All recommended appropriately stocked libraries at each "circunscripcion" headquarters and, as a minimum, pertinent codes and statutes furnished to each judge, "secretario", "fiscal" and "defensor publico".

Recommendation: It is recommended that a commission be appointed by the Supreme Court to study the feasibility of establishing a judicial personnel and salary plan for judges and support employees as a separate system from other public employees of the other two branches of government. Such a system is considered essential not only to retain experienced and competent jurists and judicial support employees but also to support the contention that the Judicial Branch should operate as distinct and separate branch of government.

The recommended commission should consider among other appropriate matters:

(1) Budgeted salaries which would not have to depend on judicial taxes as part of their resources.

(2) Appointments made directly by the Supreme Court with more extensive qualifications required for each judicial position.

(3) A probationary period of not less than six months nor more than two years before judicial appointments are made permanent subject to yearly review and normal "due process" removal procedures.

(4) A career progression system which would establish entry levels for judges at the Justice of the Peace (Attorney) level with specific educational, experience and time requirements for promotion to the upper levels of judgeships.

(5) If permanent appointments are not feasible or possible, appointments should be made on a staggered term basis to preclude the present situation where all appointments terminate at the same time.

(6) The plan should also include a provision for judges to be given the prerogative of rejecting incompetent court support employees when full justification is given.

(7) The plan should also include a system for periodic review of salary levels for judicial and support employees to take into consideration inflationary impacts of the economy.

It is further recommended that the judicial college and library components of the Administration of Justice Contract be implemented as feasible.

2. Personnel Division Ineffective

The life-blood of any organization is its ability to screen, test, recruit, train, assign, promote and retain highly qualified employees through effective personnel administration functions. The consultants noted the present Personnel Division (Direccion del Personal) falls short in meeting these responsibilities in several areas.

a. Minimal Personnel Administration Service

Although there were 2260 employees of the Judicial Branch of Paraguay as of November 10, 1990, the consultants found that the Personnel Division is primarily concerned with assuring that the time-clocks are punched with almost a complete disregard for the other support responsibilities normally expected from a central personnel office.

b. Personnel Records

It was noted that individual personnel records were filed in very flimsy and inadequate half-envelopes of poor quality and not sturdy enough to hold the contents. The records contained minimum basic personnel data such as personal identification and date of employment, transfers and sanctions, usually for tardiness or unexcused absences. No entries were noted for any training received nor special notations for outstanding work accomplishments or promotional potential.

c. Lack of Written Guidelines

The consultants were informed that there were no written guidelines nor operational or administrative manuals. Most of the work done by the Division was by tradition or individual discretion. Training is done on a paternalistic basis with an informal way of having a new employee instructed by an older employee, however, there are no training outlines nor checklists for new employee orientation or cross-training exist.

d. Lack of Job Descriptions or Classifications

A review of personnel records failed to reflect any written job descriptions outlining what the duties and responsibilities of each position should be. Furthermore, there are no indications as to written job classifications for specific assignments in the court environment. It was pointed out to the consultants that only the broad position descriptions listed in the Code of Judicial Organization and the general information furnished by the "Ministerio de Hacienda" is used for employees.

e. Lack of Formal Recruitment Program

It was ascertained that a formal recruitment process does not exist for applicants for employment with the Judicial Branch. Employees are usually selected from those law school students who volunteer to work for the courts until a vacancy occurs. More often, the persons who are hired are those who are recommended by a judge or key official. There is no advertisement of vacancies and no testing given to applicants. Occasionally, a judge complains about an employee's ability to handle a job properly and the Personnel Division chief coordinates the matter with the Supreme Court and arrangements may be made to transfer the employee to another position usually within the same unit.

f. Leave Policies

The majority of the employees of the Judicial Branch take the entire month of January off as their vacation time (feria). There are no specific employment time requirements to receive the court's normal vacation month, consequently, an employee could begin employment on the 31st of December and be eligible to take off the month

of January for vacation as other court employees.

g. Lack of Promotion and Incentive Programs

There is no system established to notify personnel of promotional opportunities nor is there any formal method for notifying employees of the specific educational or experience requirements for promotions. Information concerning possible promotions is usually passed on from employee to employee, however, it is generally assumed that the person with an influential relative or friend will get such a position. Likewise, there is no formal incentive award program to reward enterprising employees who do outstanding work or suggest improved methods for accomplishing a specific responsibility.

Recommendations: It is recommended that a personnel expert be contracted to establish an effective system of personnel support for the Judicial Branch. The expert should assist with the development of proper personnel records, job descriptions, classifications, recruitment, performance evaluation procedures, training programs, incentive programs, promotion procedures and with the assistance of appropriate automation specialists, establish a computerized personnel, time, payroll and leave system.

CHAPTER FOUR RECORDS MANAGEMENT PROBLEMS

The General Archives of the Judicial Branch (Archivo General del Poder Judicial) in Asuncion has a good manual system for archiving closed files. However, several problems are apparent as regards records management as described below.

1. Lack of Uniform Procedures

Chapter 3, Title VIII, Code of Judicial Organization, details the responsibilities and the duties of the "Archivo General", each court, "secretaria", "escribano" and other entities which need to maintain or review official court files. Cases which are closed or no longer needed must be forwarded for archiving at the "Archivo General". However, there is considerable disregard for such instructions as "secretarias" and "escribanos" are very remiss in complying with the archiving of their records. The "secretarias" maintain that the "Archivo General" does not have adequate space nor shelving to accept any more files. The "Archivo General" contends that although space is limited, there is enough space left to handle the case files being retained by the "secretarias" after the cases are closed. Such files are either stacked on top of already

filled "armarios" or are located on the floor of the "secretaria" and/or judge's offices.

Recommendation: It is recommended that coordination be effected between the "Archivo General" and the "secretarias" to retrieve all case files eligible to be archived. However, additional shelving (estantes) will have to be built for the "Archivo General" and shortly, unless a disposition schedule is commenced, additional space will have to be found for the "Archivo General".

It is further recommended that an inspection be made of each "secretaria" to determine the supply needs for more "armarios" as the case files located in stacks and on the floors constitute fire, damage and theft hazards.

2. Case File Jackets Inadequate

It was noted that the case file jackets (carpetas) are very flimsy and of very poor quality paper. The documents within the "carpetas" are not properly protected because of the inferior grade of paper used as a cover for these important documents. This need for good file protection becomes more apparent because the documents in the "carpetas" are of different sizes of paper which are very thin and wrinkled and especially, because the "carpetas" are being kept in stacks or on the floors.

Recommendation: It is recommended that case file documents be uniform in size wherever possible to fit inside the "carpetas" which should be made of good quality stiff card material.

3. Insecure and Inadequate Control and Storage of Evidence

Each "circunscripcion" has a "boveda de pruebas" to store evidence. These evidence storage facilities at Asuncion and Encarnacion are excellent, however, "secretarias" are still maintaining evidence in open "armarios" in their work areas. The consultants noted several rifles held as evidence were kept under a judge's sofa in his office in Ciudad del Este. In a "secretaria" in Asuncion, the consultants noted that evidence which included firearms and knives were in an open "armario" in a office close to where statements are taken from criminal defendants. When queried about this hazard, the reply was that it was necessary to keep the weapons in the "secretaria" because they are needed when statements are taken and because the "boveda" did not have any more space for storage. The consultants noted that the "secretarias" had difficulty in locating records reflecting what evidence was being retained for specific cases.

Recommendation: It is recommended that each "secretaria" maintain specific evidence logs to show the date evidence is received, case to which it pertains, from whom received, complete description to include serial numbers where appropriate, to whom released, date released and signature of recipient. It is further recommended that an inspection be made of all "secretarias" and judges' offices to see if any evidence being maintained there can be returned to their owners, transferred to the "boveda" or for whatever disposition may be appropriate.

It is also recommended that secure, fenced areas be rented or acquired to keep vehicles being retained as evidence or in custody of the court, safe from pilferage, damage and theft.

4. Duplication of Effort

In the opinion of the Consultants, there is a duplication of effort between the records kept by the "Archivo General" and those records kept by the "Oficina de Estadística Civil". The "Archivo General" will eventually get the entire case file for permanent archiving. The "Oficina de Estadística Civil" gathers information for statistics on civil, commercial and labor matters but also gets copies of "resoluciones", "autos interlocutorios" and "sentencias definitivas". Duplication of effort exists in that during the period prior to the "Archivo General" getting case file for archiving, the same information is maintained at each "secretaria". Thus, the same information is maintained in two places at all times.

Recommendation: It is recommended that after a centralized statistical office is established and a capability developed to identify the "juzgado" currently handling a specific case, that the "Oficina de Estadística Civil" be eliminated in that current records can be obtained from the "juzgado" handling an active case and closed records information can be furnished by the "Archivo General" from its archived and indexed case files.

5. Need for a Files Disposition Schedule

The "Archivo General" keeps all closed cases for an indefinite period. It is obvious that the retention of all case files is causing a shortage of file space. Since certain case files lose their value after a time, it is necessary to determine when and what records can be destroyed after their archival value is lost.

Recommendation: It is recommended that the Supreme Court designate a committee of judges, "secretarios", fiscales, lawyers, Director of the "Archivo General", a representative of the "Archivo Nacional" and of other

pertinent entities to develop a schedule of what and when certain records can be destroyed. For example, a minor civil action which was settled by agreement of the parties should no longer serve any retention purpose after five to ten years. This purging of unnecessary case files can provide the necessary archiving space for the "Archivo General" to permit it to keep using the same space it currently has without having to acquire additional space.

6. Need for Automation Support for "Archivo General"

Considerable manual effort is required to process and index all closed case files received for archiving by the "Archivo General". Although the manual system functions satisfactorily, modern technology should be used to substitute routine manual tasks of indexing files which is done by the first initial of the last name of the main "actor". Unlike a telephone directory, this procedure can be tedious and time consuming because if a case file for a Juan Garcia is being sought, one must look through all the "G" entries if the date involved is unknown.

Recommendation: It is recommended that an automated system be incorporated for use by the "Archivo General" for use of indexing and file location.

7. Forms Standardization

The consultants that the "Direccion del Patrimonio" maintains a consolidated ledger with samples of each of the 204 different forms, orders, judgments, envelopes, letterhead stationary, memos, etc. This ledger is kept current by the "Suministros" Section and it is updated as required. It was noted that some of the forms were printed with a specific "circunscripcion" or court designation but which could possibly be used in other "circunscripciones" or other courts.

Recommendation: It is recommended that current forms and other routine printing be reviewed to determine if they can be eliminated or consolidated for use by more than one court by leaving the designation and location blank. It is also recommended that an in-house printing plant be established the Judicial Branch for cost savings and rapid response to printing needs.

CHAPTER FIVE FINANCIAL SYSTEMS AND CONTROLS

1. Budget Matters

The budget is the primary means by which the Judicial Branch should set forth its day- to- day operational needs and the instrument by which its plans, goals and objectives can be attained. In the Paraguayan judicial system, the administration of the budget rests with the "Direccion Administrativa" and the "Giraduria" and commences with the submission in July of a proposed budget to the "Ministerio de Hacienda" of the Executive Branch for review and recommendation to the Parliament. For the 1991 budget, the Judicial Branch has made its own proposal for a definite percentage which approximates 15 billion guaranies or about \$12.5 million dollars. Court budget officials estimate that a more reponsive budget for the judiciary should be for 3 to 4% of the national budget in place of the 1 1/2 % being requested. In prior years, about 80% of budget requests has been allotted. The budget for 1991 includes funding requests for a judicial college, automation, another labor court of appeals, however, there were no indications that input was requested nor received from the courts and administrative units of the Judicial Branch to formulate more useful and actual need projections.

Recommendation: It is recommended that a centralized planning and budget office be established in conjunction with a centralized statistical office to assure that proper projections are made for inclusion in future proposed budgets. Furthermore, it is recommended that budget proposals be requested from each "circunscripcion judicial" as well as the major administrative and operational units of the Judicial Branch to assure that all requirements are considered and evaluated for the preparation of the central budget.

2. Accounting Matters

The Judicial Branch is in the process of establishing the "Contable Central" to separate the accounting function from the payments activity for salaries and miscellaneous budget expenditures. There is another accounting function which is performed by "Contaduria General de los Tribunales" which handles the accounting for court registry deposits for the Judicial Branch. As of November 9, 1990, the "Contaduria General" was handling approximately 70,000 accounts for total of over 4 billion guaranies. All deposits into the court registry are made directly to the "Banco Central" and payments are retained in a "Caja de Deposito Judiciales" until a judge orders a payment with a judicial check signed by the judge, "secretario" and the "contador". Unclaimed funds over 10 years old revert to a special account for judicial expenses when such is ordered by a judge. It was noted that only 10 employees work in this section and all accounting

is done manually. It was further noted that some of the accounts are for very small amounts. One was for only 96 "centavos".

Recommendation: It is recommended that accounting for court registry funds be automated as soon as possible to assure greater accuracy and eliminate the tedious task of manual accounting for so many accounts. Furthermore, consideration should be given to dropping accounts which are for less than 1000 guaranies. It is also recommended that the Judicial Branch consider obtaining the necessary approval to permit deposits at insured banking institutions into interest-bearing accounts as a means generating funds for programs which will improve the administration of justice in Paraguay but which are not otherwise available.

3. "Tasas Judiciales"

The collection of "tasas judiciales" commenced with Law No. 284 enacted on October 2, 1971, for judicial functions such as civil case filings, bankruptcy matters, criminal complaints, registrations, etc., and was established initially to pay for the construction of the "Palacio de Justicia" in the capital. Law No. 284 was amended on January 1, 1986, to provide for larger collections and stipulation that 57% of these taxes would go for the amortized payments for construction of the "Palacio" and its costs for maintenance, supplies, equipment, services, etc. The remaining 43% of these taxes were designated as 37% augmentation of judicial salaries and 6% augmentation for justices of the peace and support employees. As of November 1, 1990, the total collected for "tasas judiciales" for the year as per judicial records was nearly 3 billion guaranies. The collection of these taxes is entirely through the "Ministerio de Hacienda" of the Executive Branch. A Judicial Branch employee calculates the amount to be taxed and the requester purchases the necessary revenue stamps from the "Direccion de Impuestos Internos" of the "Ministerio de Hacienda". Although the "Direccion de Impuestos Internos" issues a list of the tax stamps sold, there is no guarantee to the judiciary that this accounting is correct as the same "Hacienda" office handles the printing of the new stamps for each year and the destruction of the unused stamps of the old year.

Recommendation: It is recommended that the Judicial Branch consider requesting the exemption of some of its judicial functions from the payment of judicial taxes such as private criminal complaints, bankruptcies, statements of witnesses, etc., in that such taxing constitutes a denial of access to the administration of justice. Furthermore, it is recommended that salary payments be budgeted and not included as part of the judicial revenue collected as it places the judiciary in bad light as involved in a profit-making public function for personal gain. It is also recommended that the Judicial Branch obtain the necessary authorization to transfer the collection of judicial taxes from the Executive Branch to the Judicial

Branch for assurance of proper accounting and for upholding the Judicial Branch as a separate and equal entity of government.

4. Need for Internal Review Function

As previously explained, the "Auditoria Interna" was established to perform audits of judicial courts and units for the Supreme Court. Under the Code of Judicial Organization, the Supreme Court and the "presidentes de circunscripciones judiciales" have superintendency responsibilities which include the visits to judicial units and detention facilities in their jurisdictional areas. However, there are no specific provisions for detailed inspections of court and administrative units for compliance with specific duties and responsibilities. In particular, there is no designation for assuring that proper management, training, maintenance, security, public service, etc. is being accomplished.

Recommendation: It is recommended that a management review function be included with the "Auditoria Interna" with the addition of an "Oficina de Inspeccion de Tribunales" which would report directly to the "Presidente de la Corte Supreme". The recommended office would establish procedures for reviewing each court and administrative unit at least once every three years to assure that all aspects of proper management, security, control, maintenance, training, compliance with deadlines, personnel competence, etc. are being followed.

**CHAPTER SIX
AUTOMATION MATTERS**

1. Lack of Central Direction and Coordination

The Judicial Branch has undertaken some automation activities, however, it is quite apparent that there is no centralized planning, direction nor coordination of these undertakings. The projects currently underway appear headed in their own directions without the benefit of mutual sharing of ideas, experiences, systems, specialists, program development, repairs, maintenance but important, there is no formal agreement as to the order of priority for systems and programs development. The consultants also noted that there are several different kinds of personal computers and apparently there has not been any discussions as to the merits or disadvantages of each type of equipment.

Recommendation: It is recommended that a central automation office be established to accomplish the following:

a. Coordinate the planning, development, programming and implementation of automation projects for the Judicial Branch

b. Develop a Five-Year Plan for establishing an order of priority for all automation projects contemplated

c. Establish a committee of users to facilitate systems and program development, implementation and training of user groups

d. Establish qualifications requirements for systems administrators, programmers and other automation specialists essential for a good overall automations program

e. Develop specifications for hardware and software needs and establish organizational capability for documentation, hardware installation, development of operational manuals, maintenance, repairs and supply schedules

The consultants further recommend that a systems expert be contracted to assist the central automation office to commence its activities as listed above as well as participate in the development of automated pilot projects for courts and for administrative support needs.

The consultants further recommend that one more criminal court of first instance and one criminal court of appeals be added as caseflow management pilot courts using personal computers until a single unified system of automation hardware and software is developed for each "circunscripcion".

Further, it is recommended that two additional criminal trial courts be provided personal computers to use as word processors. These computers should be configured by the central automation office with changeable formats to use with orders, judgments, statements, etc., to save judicial and administrative processing time.

CHAPTER SEVEN COMMUNICATIONS

1. Need for Communications Net

The main channels for communication from the Supreme Court to the "circunscripciones judiciales" and to specific courts or other related agencies is by mail,

telephone, TELEX, telegram or by courier. It was also noted that some of the "juzgados de instruccion" and "juzgados de paz" in the interior lack telephone communication services. It was pointed out that telephone connections with many of the court units, while available, are difficult and consume considerable time to complete.

Recommendation: It is recommended that until an electronic mail capability is developed via computer-to-computer communication that FAX equipment, which is now relatively reasonable, be purchased for the Supreme Court and for each "circunscripcion" headquarters for a necessary communications network.

2. Need for Additional Telephone Lines

At most of the court offices visited, it was stressed to the consultants that more telephone lines are needed at the courts because of the increasing numbers of case filings. It was noted that in many locations, the telephone instruments are located in the judges' offices where incoming calls ring and require the judge to answer.

Recommendation: It is recommended that the "Direccion del Patrimonio" undertake a study on a court-by-court basis to determine if the present telephone lines are adequate and if not, to determine and obtain the necessary lines to permit proper court operations. Furthermore, the "Direccion" should obtain telephone service for those "juzgados de instruccion" and "juzgados de paz" which do not currently have such service. It is also recommended that extension phones be obtained to permit the answering of phones by support staff and not detract the judges from their judicial duties for such tasks.

3. Public Information Centers

It was noted that large numbers of people gather at each "juzgado" and in hallways of the "Palacios". Such gatherings constitute problems in security and distraction and subject files and documents to unlawful removal without being noticed because of large congestions of people.

Recommendation: It is recommended that public information booths be established at each "circunscripcion" headquarters and that people seeking information be required to check with the booth prior to proceeding to a "juzgado". These information booths can function with the recommended central case assignment system when same is implemented. With such facilities, cases and subsequent documents can be filed at one central point and information can be supplied readily especially after the courts automate and inquiry terminals and monitors available for such purposes.

CHAPTER EIGHT COURT RELATIONS WITH OUTSIDE ENTITIES

1. Relations with the Bar Associations

Offices are provided for bar associations at the three "circunscripcion" headquarters visited by the consultants. These are made available to the Bar for their convenience while attending to their practice at the courthouses. It was, however, pointed out that the members of the judiciary do not belong to the bar associations and generally do not have gatherings nor discussions with them concerning matters of mutual interest.

The cool relations with the bar association in Asuncion was made evident when it was suggested that the president of the bar association be present when the briefing would be given to the Supreme Court and the president of the Judges' Association on the findings and recommendations by the consultants. The suggestion was not accepted.

An explanation for the above rejection is reflected in the following summary of an interview with the president of the Bar Association of Asuncion:

1. The Bar strongly upholds the universally accepted concept of three separate and equal branches of government with the Judicial Branch responsible for declaring unconstitutional any laws which impinge on constitutional rights.

2. Paraguay is recently emerging from decades of profound crises which affected all institutional life. One of these involved the administration of justice in which, with some exceptions, the judiciary was very negative in carrying out its responsibilities. With the new administration, the judiciary could do much to uphold the proper administration of justice, however, there are still too many judges who remain in office and who bring discredit to the courts system and fail to bring justice to society.

3. Unfortunately, the Judicial Branch is not evaluated by the work of the good judges but rather by the undesirable attitudes and actions of the bad judges. For example, there still persist:

a. Constant rejections of requests for extradition merely because of defects in pleadings.

b. Many of the judicial actions in civil matters continue to generate negative attitudes against the judiciary.

c. Defendants accused of serious offenses are set free and when their cases

reach the appeals courts, costs are granted against the victims.

d. The "Ministerio Publico" continues to take anti-society positions.

e. Judgments are rendered in favor of former officials who became wealthy from the positions they occupied.

f. Notorious discrimination exists between how civilians are treated and the favorable treatment of the military.

g. Failure by the judiciary to move timely the required criminal procedural actions against officials who still occupy important governmental positions.

i. The Executive Branch still has the initiative on who shall be members of the Judicial Branch.

The Bar remains concerned that the judiciary instead of upholding what is right, correct and moral, continues to function as if the country were still in the old regime. Estimates have been made that approximately 80% of the judiciary can be classified as corrupt or corruptible. The Bar contends that as attorneys, it must be at the forefront for the defense of liberty, rights and moral politics as the judiciary should be above all else.

Recommendation: It is recommended that USAID/ Paraguay and the U. S. Embassy should use their good offices to bring a more substantial and meaningful relationship among the Supreme Court, Judges' Association and the Bar Associations of Paraguay.

2. Public and Press Relations

The Judicial Branch provides a location in the "Palacio de Justicia" in Asuncion for the convenience of the media which engages in considerable coverage of court activities at all court locations because of the numerous daily newspaper publications.

Recommendation: Because of the incessant reporting of court and other judicially related matters, it is recommended that the Supreme Court establish a public relations office as a central point for the coordination of release of newsworthy information to the media and the general public.

CHAPTER NINE

OTHER PROBLEM AREAS AFFECTING THE JUDICIAL BRANCH

1. Supreme Court Inundated With Administrative Tasks

The members of the Supreme Court and especially the "Presidente de la Corte" are overloaded with administrative duties which take away valuable time from their judicial responsibilities. Examples of such administrative details which could be delegated to appropriate administrators are:

a. More than 3000 checks have to be signed personally by the "Presidente" or another member of the Supreme Court. This work is so much and so tedious and time consuming that the checks often have to be taken home for signing after duty hours.

b. The "Presidente" approves all payments for invoices for supplies and services rendered.

c. He must review and personally approve all appointments of administrative staff and court volunteer workers.

d. Almost all administrative decisions are made by the "Presidente" or another member of the Supreme Court because most of the heads of administrative units have direct access to them.

Recommendation: It is recommended that the "Presidente" and the rest of the Supreme Court delegate as many administrative functions as possible to the Director General of Administrative Services to enable the Court to dedicate more of its time to its judicial, superintendency and other major decision-making functions.

2. Need for Modern Judicial Branch Administrative Infrastructure

The present administrative organization structure which exists within the headquarters level of the Judicial Branch is confusing and unclear and fails to provide the most effective administrative support to the Supreme Court and the entire judiciary. With the exception of the very broad descriptions in the Code of Judicial Organization, there are no written guidelines which describe the responsibilities of each of the many administrative units.

Recommendations: It is recommended that the Supreme Court consider the proposed organizational chart which is included as Appendix No. Six as a

basis of restructuring the principle administrative support units for the Judicial Branch.

3. Need for Director General of Administrative Services

The chains of command and authority for administrative functions are not clear. Many of the judiciary and the support staff believe that the channels for administrative matters are through the "Secretario General" while others believe them to be through the "Director Administrativo". Yet, some believe them to be directly to the "Presidente" and others are uncertain.

Recommendation: It is recommended that the Supreme Court designate a highly qualified, knowledgeable and capable administrator as Director General of Administrative Services with clearly defined authority and direction as to his responsibilities. Such should include supervision over all other administrative units and functions except over the "Auditoria Interna" and the recommended "Oficina de Inspeccion de Tribunales", which with the Director General should be the only units reporting directly to the "Presidente" on administrative matters.

4. Public Register Not a Judicial Function

The "Direccion General del Registro Publico" has 396 employees in 29 different sections which perform 15 registration functions outlined in Title IX of the Code of Judicial Organization and which are normally handled by an agency of the Executive Branch or a municipality. Such include the public registration of real estate, ships, automobiles, aircraft, trademarks, livestock branding marks, organizations, paternal rights in family matters, etc. Special judicial taxes are charged for such functions and which according to the Code are allocated on a specified percentage basis among the Director, heads of each register and the employees who handle the registrations. This revenue allocations are in addition to regular salaries.

Recommendation: It is recommended that the Public Registry be transferred to the Executive Branch as its functions do not fall into the usual judicial areas of responsibilities. The consultants have never seen these registration functions performed by the Judicial Branch of any other country they have visited or studied and in their opinion, the operation detracts from the Judicial Branch's primary mission of the administration of justice.

In the interim, it is recommended that microfilming be substituted with the use of microfiche to permit all additional information on one property to

located in one separate file jacket per property.

5. Need for New Forums

a. Additional "Juzgados de Paz Letrados"

As has been discussed, there are considerable backlogs of criminal cases. Because of the unreliability of the statistics, it is not possible to estimate how many such cases are actually pending and dormant. Previous reports on criminal matters have disclosed that it is estimated that 94% of the criminal defendants who are in custody have not received a "sentencia definitiva". The consultants were informed that approximately 60% of all criminal cases involve bad checks but that only 10% of these cases ever reach the trial stage. These bad check cases are like the cases on damages as a result of automobile accidents in that before the judge completes his "instruccion" or investigation, the matter has been settled by the main parties and the case is closed without further action.

Recommendation: It is recommended that additional "juzgados de paz letrados" be established to handle the bad check and automobile accident damage cases for the following reasons:

(1) Relieving "juzgados de primera instancia en lo criminal" of the responsibility of the above cases would give the first instance judges more time to attend to the priority cases such as those defendants who are in custody awaiting investigation and sentence by the first instance judge.

(2) Providing for additional judges for "juzgados de paz letrados" could be vehicle to commence a judicial career ladder for such judges. Appointments could be made for probationary periods to enable the Supreme Court to determine the appointee's potential for continued and increased judicial responsibilities.

b. Possible Use of Administrative Law Judges

In the United States, labor matters for the most part are handled by administrative law judges who are outside the Judicial Branch. Parties, however, have the right to appeal to trial courts after they run the course of the administrative law judge procedures. The consultants ascertained that there are increasing numbers of labor cases being filed because of changing economic and population conditions. It was also determined that 98% of the labor cases result in "juicios ordinarios" and only 2% terminate with "juicios especiales"

Recommendation: It is recommended that the Supreme Court consider referring to a legal reform or special commission the matter of reviewing the feasibility of recommending to the Parliament the transfer of labor cases to an administrative law judge system within the "Ministerio de Justicia y Trabajo" with proviso that such matters could be appealed to the Judicial Branch.

c. **Need for Access to Justice**

The consultants noted that there are large areas in Paraguay which require travel over long distances for access to a proper court. In particular, it was noted that although sparsely populated, the citizens of the five "departamentos" of "El Chaco" and of the "Departamento de Neembucu" have to travel long distances for access to certain courts not available in their areas.

Recommendation: It is recommended that the five "Departamentos" of Chaco, Nuevo Asuncion, Alto Paraguay, Boqueron and Presidente Hayes be formed into a new "circunscripcion judicial" with headquarters at Mariscal Estarigarribia. Further, it is recommended that the "Departamentos" of Neembucu and Misiones be formed into another new "circunscripcion" at San Juan Bautista.

6. **Logistical Support Inadequate**

At most court locations visited, it was ascertained that logistical support is generally inadequate. Although distribution of supplies is periodic, consumable supplies are used up long before the next supply shipment arrives at the court. In the meantime, the minor amount of 50,000 guaranies monthly per "circunscripcion" is insufficient until a special order request is filled from the central supply office or until arrival of the next regular periodic shipment of supplies. The most universal requests involved the need for "armarios", copiers and typewriters.

Recommendation: It is recommended that the "Direccion del Patrimonio" determine the urgent needs of each court and establish a priority order of filling such needs as per availability of resources. It is also recommended that the Supreme Court consider increasing the 50,000 guaranies monthly allowance to a more realistic 100,000 guaranies per month.

7. **Insufficient use of Arbitration Judges**

Chapter 6, Title III, Code of Judicial Organization under Law No. 879 and its amendments, provides for the use of arbitration judges for specifically designated

matters. It is noted, however, that decisions reached in arbitration matters have the same binding effect as a regular court decision unless there is some defect in the process and the decision is nullified by the appeals court which would have jurisdiction over the matter had it been tried by a regular court. Minimal use is made of this arbitration process.

Recommendation: It is recommended that the Supreme Court modify the arbitration procedures to allow decisions by arbitration not to be binding as if it were a final court decision. This binding requirement is not conducive nor incentive to use the arbitration process and effectively diminishes the assistance which the Judicial Branch could receive from the removal of such potential cases from judges' dockets.

CHAPTER TEN SUMMARY OF PROBLEMS AND RECOMMENDATIONS

The following is a brief summary of major problems and recommended solutions in priority order to assist the Judicial Branch in overcoming the problem areas ascertained by the consultants. A recommended time-line schedule is enclosed as Appendix No. Seven to this report.

1. Problem: MAJOR BACKLOGS IN CRIMINAL CASES

Recommendations:

- a. All-out immediate effort to process and resolve all inactive criminal cases
- b. Establish effective caseflow and case management control procedures to abide with required deadlines
- c. Increase working hours on pilot basis for backlogged criminal courts
- d. Develop statistical office to obtain essential data for determining and projecting problem courts
- d. Contract with automation systems expert to assist development of effective central automation office for providing accelerated but effective automation support to court and administrative units

2. Problem: JUDICIAL BRANCH ADMINISTRATIVE INFRASTRUCTURE WEAK

Recommendations:

- a. **Modernize central administrative organizational infrastructure with written guidelines as to respective responsibilities for each specific administrative unit**
- b. **Appoint Director General of Administrative Services with specific delegation of authority to relief Supreme Court its many administrative tasks**

3. Problem: WEAK PERSONNEL ADMINISTRATION FUNCTIONS

Recommendation:

Contract with personnel administration expert to assist in development of effective personnel division functions for appropriate job descriptions, classifications, recruitment, performance evaluations, promotions, incentives, training, modernization and automation of personnel and leave records, etc.

4. Problem: INSTABILITY OF JUDICIARY

Recommendations:

- a. **Establish separate Judicial Branch Salary and Personnel Plan**
- b. **Provide for judicial appointments by Judicial Branch**
- c. **Establish Judicial College within Judicial Branch**
- d. **Establish judicial libraries**

5. Problem: LACK OF EFFECTIVE CENTRAL PLANNING AND BUDGET EFFORT

Recommendation:

Establish central planning and budget office for more effective and realistic budget projection needs

6. Problem: DUPLICATION OF EFFORT

Recommendation:

- a. Consolidate double "secretaria" system into one "secretaria" per "juzgado de primera instancia"
- b. Consolidate the notification process by establishing one centralized office for such service at each of the "circunscripcion" headquarters with only the "ujiers" necessary for the consolidated effort. The rest of the "ujiers" can be used as administrative support staff at the "juzgados"
- c. Coordinate the copy and information requests to the "Oficina de Estadística Civil" with records of "juzgados" and "Archivo General" as appropriate and incorporate civil statistical office reporting with the central statistics office

7. Problem: "JUDGE SHOPPING" AND INEFFICIENCY OF "JUZGADO DE TURNO" SYSTEM

Recommendation:

- a. Eliminate "de turno" and "por cupo" systems
- b. Initiate a central case assignment system at each "circunscripcion" using a random, equal distribution system which can be automated when capability is established locally.

8. Problem: LACK OF COMMUNICATIONS NET

Recommendation:

- a. Establish communications net with each "circunscripcion" headquarters using FAX equipment until electronic mail capability is developed through automation
- b. Provide for additional telephone lines where required for effective court operations

9. Problem: INADEQUATE LOGISTICAL SUPPORT

Recommendation:

- a. Review urgent needs for effective court operations and allocate in accordance with priority and availability of resources
- b. Increase imprest funds from 50,000 to 100,000 guaranies per month for each "circunscripcion" for emergency purchases

10. Problem: NEED FOR IMPROVEMENT IN RECORDS AND EVIDENCE MANAGEMENT AND CONTROL

Recommendations:

- a. Reinforce uniform records and evidence control and storage procedures
- b. Establish files disposition schedule for records which can be destroyed after determined period of archiving
- c. Automate manual indexing and retrieval of records procedures
- d. Consolidate records retention procedures to eliminate duplication of records

11. Problem: NEED FOR IMPROVED FINANCIAL AND ACCOUNTING SYSTEMS

Recommendations:

- a. Commence accounting of budget matters by "Contable Central" as soon as possible
- b. Acquire control of sale and accounting for collection of "tasas judiciales"
- c. Automate accounting systems as soon as possible
- d. Eliminate collection of "tasas judiciales" for certain judicial functions
- e. Establish "Oficina de Inspeccion de Tribunales" with "Auditoria Interna" for improved management and other control reviews
- f. Investigate possibility of investing court registry funds into insured interest-bearing accounts

- g. Consider dropping court registry funds for less than 1000 guaranies

12. Problem: "REGISTRO PUBLICO" NOT A JUDICIAL FUNCTION

Recommendation:

Transfer "Registro Publico" functions to the Executive Branch

13. Problem: NEED FOR NEW FORUMS

Recommendation:

- a. Establish additional "juzgados de paz letrados" to handle bad checks and accident matters to allow "juzgados de primera instancia" more time to handle priority cases
- b. Establish new "circunscripciones" for better access to pertinent courts
- c. Consider feasibility of administrative law judge system for labor matters
- d. Change binding requirements of arbitration judge system relief assistance to courts

RECOMMENDATION TO USAID/PARAGUAY:

Although Dr. Carlos Acuna Lugo, Secretary-General to the Supreme Court, was a useful coordinator for the consultants' visit, he is not as knowledgeable of organizational and procedural matters as would have been desired. It is, therefore, recommended that Dr. Luis Escobar Faella, "Fiscal General", be considered as a counterpart for future undertakings.

RESOURCE DOCUMENTS REVIEWED

1. Preliminary Evaluation of the Paraguayan Justice Sector, Center for the Administration of Justice, Florida International University, March 1990
2. Identification and Design of Administration of Justice Activities in Paraguay, Checchi and Company Consulting, Inc., August 1990
3. "Informe Sobre Sistema Judicial de Paraguay y Recomendaciones para un Plan de Acción de Corto Alient en el Area, Drs. Julio B. J. Maier, Marcelo A. Sancinetti y Marcos Gj. Salt, September 1990
4. "Código de Organización Judicial, Ley 879 y sus modificaciones, Ley 963, Poder Judicial del Paraguay"
5. "Ley Organización Administrativa, Ministerior de Hacienda, Contraloria Financiera de la Nacion, Inspeccion General de Hacienda", 1983
6. "Acordadas de la Corte Supre de Justicia, Poder Judicial de Paraguay, Segundo Edicion Aumentada, 1986"
7. "Tasas del Poder Judicial, Ley 284 y modificaciones"
8. "Proyecto DATACORT. Informatización de la Corte Suprema de Justicia", Paraguay, 1989
9. "La Gazeta Judicial. La Ley. Revista Juridica Paraguaya" and other similar publications

PERSONS INTERVIEWED

Date	Name	Position
Nov 5, 1990	Dr. Mauro Sanabria	USAID/Paraguay
"	Dr. Julio Basauldo	"
"	Dr. Gerónimo Irala Burgos	Member, Supreme Court
"	Dr. Jose Alberto Correa	President, "
"	Dr. Carlos Acuña Lugo	Secretary General "
"	Sr. Federico Castillo	Dir. Administrativa
"	Sr. Justo Germán Ferreira	Auditoria Interna
"	Cor. Adan Benitez Lezcano	Depto. Seguridad
"	Lic. César Sergian	"
Nov 6, 1990	Dr. Marciano Rodríguez	Dir. Registro Publico
"	Sr. José Gonzales Alonzo	Depto. Microfilm
"	Srta. Julia Centurión	Depto. Computacion
"	Dr. Luis Benitez Riera	Juz. la Inst. Criminal
"	Prof. Ramiro Barboza	Univ. Catolica (Asunc)
Nov 8, 1990	Dr. Nelson Mora Rodas	Juz. la Inst. Criminal
"	Dra. Teresa Rojas Duarte	Secretaria
"	Srta. María Teresa Gonzales	"
Nov 10, 1990	Sr. Macario Acevedo Samudio	Dir. Personal
"	Dr. Pedro Sánchez Ortiz	Ofic. Cont. Presupuesto
Nov 12, 1990	Dr. Andrés Valdez	Jues de Paz, (Encarn)
"	Dr. Maruro Armando Barreta	Juz. la Inst. (Civil)
"	Dr. Edward Irela Rivas	Fiscal, Encarnacion
"	Dra. Blanca Talavera de Borlf	Def. Pub. (Encarn)
"	Dr. Vicente Lionel Pinanez	Pres. Trib. (Encarn)
"	Dr. Ramón Braulio Olmero	Juz. la Inst. (Crim)
"	Dr. Nelson Riojas Acosta	Juez de Trib. (Encarn)
"	Dr. Oscar de la Torre	Juez de Trib. (Encarn)
Nov 13, 1990	Dr. Geraldo Bernal Casco	Pres. Trib (Cd Este)
"	Dr. Juan G. Arguello	Juz. la Inst (Crim) "
"	Dr. Carlos Candiallanes	Jues. Trib (Cd Este)
Nov 14, 1990	Dr. Miguel Pérez Peña	Cont. Gen. de Trib.
"	Sr. Enrique M. Plate	Dir. del Patrimonio
"	Sr. Luis Medina-Lima	Sección Sumministros
"	Sr. Felix Escalante	Sección Bienes

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"	Dr. Carlos Acuña Lugo	Secretary General "
"	Sr. Federico Cañillo	Dir. Administrativa
"	Sr. Justo German Ferreira	Auditoria Interna
"	Cor. Adan Benitez Lezcano	Depto. Seguridad
"	Lic. Cesar Sergian	"
Nov 6, 1990	Dr. Marciano Rodriguez.	Dir. Registro Público
"	Sr. José Gonzales Alonzo	Depto. Microfilm
"	Srta. Julia Centurión	Depto. Computacion
"	Dr. Luis Benitez Riera	Juz. la Inst. Criminal
"	Prof. Ramiro Barboza	Univ. Catolica (Asunc)
Nov 8, 1990	Dr. Nelson Mora Rodas	Juz. la Inst. Criminal
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"	Srta. Maria Teresa Gonzales	"
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"	Dr. Pedro Sánchez Ortiz	Ofic. Cont. Presupuesto
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"	Sr. Luis Medina-Lima	Sección Sumministros
"	Sr. Felix Escalante	Sección Bienes

Nov 15, 1990	Sr. Gregorio M. Gunsett	Dir. Archivo General
Nov 16, 1990	Dr. Patricio Cácares	Contable Central
"	Srta. Remijia Villalba	Estadística Civil
"	Sr. Oscar Fco. Perez	Tasas Judiciales
Nov 19, 1990	Dr. Luis Pereida	Juz. la Inst. Laboral
"	Dr. Blas Rocque Alcaraz	Pres. Colegio Abogados
Nov 23, 1990	Dr. Luis Escobar Faella	Fiscal General
"	Dr. Francisco Pussineri Odone	Member, Sup. Court
"	Dr. Albino Garcete Lambeasse	"
"	Mr. Michael Ranneberger	DCM/U.S. Embassy
"	Ms. Rose Likens	Political Officer, US Embassy

**PRESENTACION
PARA LOS MIEMBROS
DE LA EXCELENTISIMA
CORTE SUPREMA DE JUSTICIA**

TEMAS

- 1. PUNTOS POSITIVOS**
- 2. AREAS DE ENFOQUE PARA
NUEVOS ESFUERZOS**
- 3. RECOMENDACIONES POR
ORDEN DE PRIORIDAD**
- 4. DISCUSION**

APPENDIX 3

PUNTOS POSITIVOS

1. DESEO POR RAMA INDEPENDIENTE
2. DESEO DE TRAER HONOR Y DIGNIDAD
3. PALACIOS DE JUSTICIA
4. PROYECTOS DE DESARROLLO
 - a. Informática Jurídica
 - b. Plan Piloto de Seguimiento de Casos
 - c. Antecedentes Criminal
 - d. Microfilmación y Automatización del Registro Público
 - e. Cambios en Organización para Mejorar la Administración de la Justicia
 - (1) Auditoría Interna
 - (2) Giraduría
 - (3) Contable Central
 - (4) Circunscripción
 - (5) Juzgados en lo Laboral
 - (6) Tribunal en lo Laboral

AREAS DE ENFOQUE PARA NUEVOS ESFUERZOS

1. ATRASO, CONGESTION Y ESTANQUE DE CASOS
2. FALTA DE ESTABILIDAD DE LA MAGISTRATURA
3. INUNDACION DE TAREAS ADMINISTRATIVAS EN LA CORTE SUPREMA
4. FALTA DE BUENA INFRAESTRUCTURA PARA ASUNTOS ADMINISTRATIVOS
5. FALTA DE DELEGACION DE RESPONSABILIDADES ADMINISTRATIVAS
6. FALTA DE DIRECTOR GENERAL DE ADMINISTRACION CENTRAL
7. FALTA DE ESTADISTICA COMPLETA Y CORRIENTE
8. FALTA DE PLANIFICACION CENTRAL
9. FALTA DE SISTEMA FORMAL PARA EL DESARROLLO DEL PRESUPUESTO
10. DIRECCION DE PERSONAL INEFICAZ
11. DEBIL CONTROL DE SIGUIMIENTO DE CASOS
12. FALTA DE PLANIFICACION Y COORDINACION CENTRAL DE AUTOMATIZACION
13. FALTA DE MANUALES OPERATIVOS
14. DUDA SOBRE LA DEPENDENCIA DEL REGISTRO PUBLICO AL PODER JUDICIAL
15. DUPLICACION DE TAREAS
16. FALTA DE COMUNICACIONES ADECUADAS
17. FALTA DE APOYO LOGISTICO
18. NECESIDAD DE OTROS FOROS, BIBLIOTECAS JURIDICAS Y COLEGIO JUDICIAL

RECOMENDACIONES

1. GRAN ESFUERZO PARA PURGAR EL ESTANQUE DE CASOS PENDIENTES SIN ACCION PARA ELIMINAR CONGESTION Y ATRASOS EN LA ADMINISTRACION DE LA JUSTICIA
2. MODERNIZAR LA ESTRUCTURA ADMINISTRATIVA DEL PODER JUDICIAL
3. ESTABLECER DIRECCION CENTRAL DE SERVICIOS ADMINISTRATIVOS MAS EFICAZ PARA EL PODER JUDICIAL
4. REFORZAR EL SISTEMA DE ADMINISTRACION DE PERSONAL DEL PODER JUDICIAL
5. MODERNIZAR EL FLUJO Y CONTROL EFECTIVO DE SEGUIMIENTO DE CASOS
6. ESTABLECER DIRECCION CENTRAL DE AUTOMATIZACION PARA PLANIFICAR, COORDINAR Y DESARROLLAR SISTEMAS DE APOYO AUTOMATIZADO A TODOS LOS NIVELES JURIDICOS Y ADMINISTRATIVOS
7. ESTABLECER OFICINA CENTRAL DE ESTADISTICA JUDICIAL Y DE PLANIFICACION
8. ESTABLECER RED DE COMUNICACIONES CON CADA CIRCUNSCRIPCION JUDICIAL Y LA CORTE SUPREMA Y REFORZAR LOS MEDIOS DE COMUNICACIONES DE CADA CIRCUNSCRIPCION
9. ELIMINAR DUPLICACION DE TAREAS
10. ELIMINAR SISTEMA DE JUZGADOS DE TURNO
11. MODERNIZAR EL MANEJO DE ARCHIVOS Y PRUEBAS
12. ESTABLECER OFICINA CENTRAL DEL PRESUPUESTO

13. ESTABLECER LA OFICINA DE INSPECCION DE TRIBUNALES CON ANEXO A LA AUDITORIA INTERNA CON DEPENDENCIA DIRECTA DEL PRESIDENTE DE LA CORTE SUPREMA
14. CREAR MAS JUZGADOS DE PAZ LETRADOS
15. ESTABLECER CENTROS PUBLICOS DE INFORMACION EN CADA CIRCUNSCRIPCION
16. INVESTIGAR EL TRASLADO DE LA DIRECCION GENERAL DEL REGISTRO PUBLICO AL PODER EJECUTIVO
17. INVESTIGAR SISTEMA DE JUECES ADMINISTRATIVOS
18. CREAR NUEVAS CIRCUNSCRIPCIONES
19. INVESTIGAR LA POSIBILIDAD DE HACER INVERSIONES EN CUENTAS BANCARIAS QUE PAGEN INTERESES QUE SE PUEDAN UTILIZAR PARA LAS NECESIDADES DEL PODER JUDICIAL
20. ESTABLECER BIBLIOTECAS EN CADA CIRCUNSCRIPCION Y BIBLIOTECA MINIMA PARA CADA MAGISTRADO
21. ESTABLECER COLEGIO JUDICIAL DENTRO DEL PODER JUDICIAL

HOJA DE RESUMEN DE ACCIONES
DE LO PENAL

JUZGADO: _____
No. DE PROCESO: _____ ORDINARIO _____
SUMARIO: _____
VERBAL: _____
NOMBRE DEL IMPUTADO: _____
DELITO: _____
IMPUTADO PRESENTE: _____ AUSENTE: _____
LUGAR DE RECLUSION: _____
NOMBRE DEL OFENDIDO: _____

FECHA DE INICIACION DEL PROCESO: _____ DE _____ DE _____
DILIGENCIAS EXTRAJUDICIALES: SI _____ NO _____

DILIGENCIAS JUDICIALES:

FS. _____
FS. _____
PETICIONES DEL FISCAL
1- _____
2- _____
3- _____
ELEVACION A PLENARIO: _____
FECHA: _____
NOTIFICACION: FISCAL: _____
DEFENSA: _____
IMPUTADO: _____
APELACION: SI _____ NO _____
FECHA: _____
QUIEN LO INTERPUSO: _____

FS. _____
FS. _____
PETICIONES DE LA DEFENSA
1- _____
2- _____
3- _____
LLAMAMIENTO A JUICIO: _____
FECHA: _____
NOTIFICACION: FISCAL: _____
DEFENSA: _____
IMPUTADO: _____
APELACION: SI _____ NO _____
FECHA: _____
QUIEN LO INTERPUSO: _____

A PRUEBAS: _____
ALEGATO DE BUENA PRUEBA: _____
FISCAL: _____
DEFENSA: _____
MINUTA: _____
CUESTIONARIO: _____
INSACULACION: _____
VISTA PUBLICA: _____
SENTENCIA: _____
APELACION: SI _____ NO _____
FECHA: _____

A PRUEBAS: _____
VISTA DE LA CAUSA: _____
SENTENCIA: _____
APELACION: SI _____ NO _____
FECHA: _____

SOBRESEIMIENTO: _____
FECHA: _____
NOTIFICACION: FISCAL: _____
DEFENSA: _____
IMPUTADO: _____
APELACION: SI _____ NO _____
FECHA: _____
QUIEN LO INTERPUSO: _____

(Detalles de cada expediente, declaración, orden, fallo, juicio, etcetera, se ancluyen en paginas anexas con fecha recibida, folio consecutivo del documento y resumen breve del contenido.)

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HOJA DE RESUMENES DE ACCIONES

JUZGADO: _____

Nº. DE PROCESO: _____

MATERIA: _____

NOMBRE DEL ACTOR: _____

APODERADO: _____

NOMBRE DEL DEMANDADO: _____

APODERADO: _____

CANTIDAD RECLAMADA: _____

FECHA DE PRESENTACION DE LA DEMANDA: _____

FECHA DEL DECRETO DE EMBARGO: _____

JUEZ EJECUTOR: _____

RETIRO MOVIMIENTO DE EMBARGO: SI _____ **NO** _____
FECHA: _____

DEVOLVIO MANDAMIENTO DE EMBARGO: _____

NOTIFICACION AL DEMANDADO: _____

DECLARATORIO DE REBELDIA: SI _____ **NO** _____

FECHA: _____

TERMINO PROBATORIO: SI _____ **NO** _____

FECHA: _____

SENTENCIA: CONDENATORIA: _____

ABSOLUTORIA: _____

APELACION: SI _____ **NO** _____

FECHA: _____

QUIEN LO INTERPUSO: _____

EJECUTORIADA: FECHA: _____

PETICION DE SUBASTA: _____

CARTELES: _____

FECHA DE LA SUBASTA: _____

SUBASTA: NO HUBO POSTORES: _____ **REMATADO:** _____

COMPRADOR: _____

CANTIDAD: _____

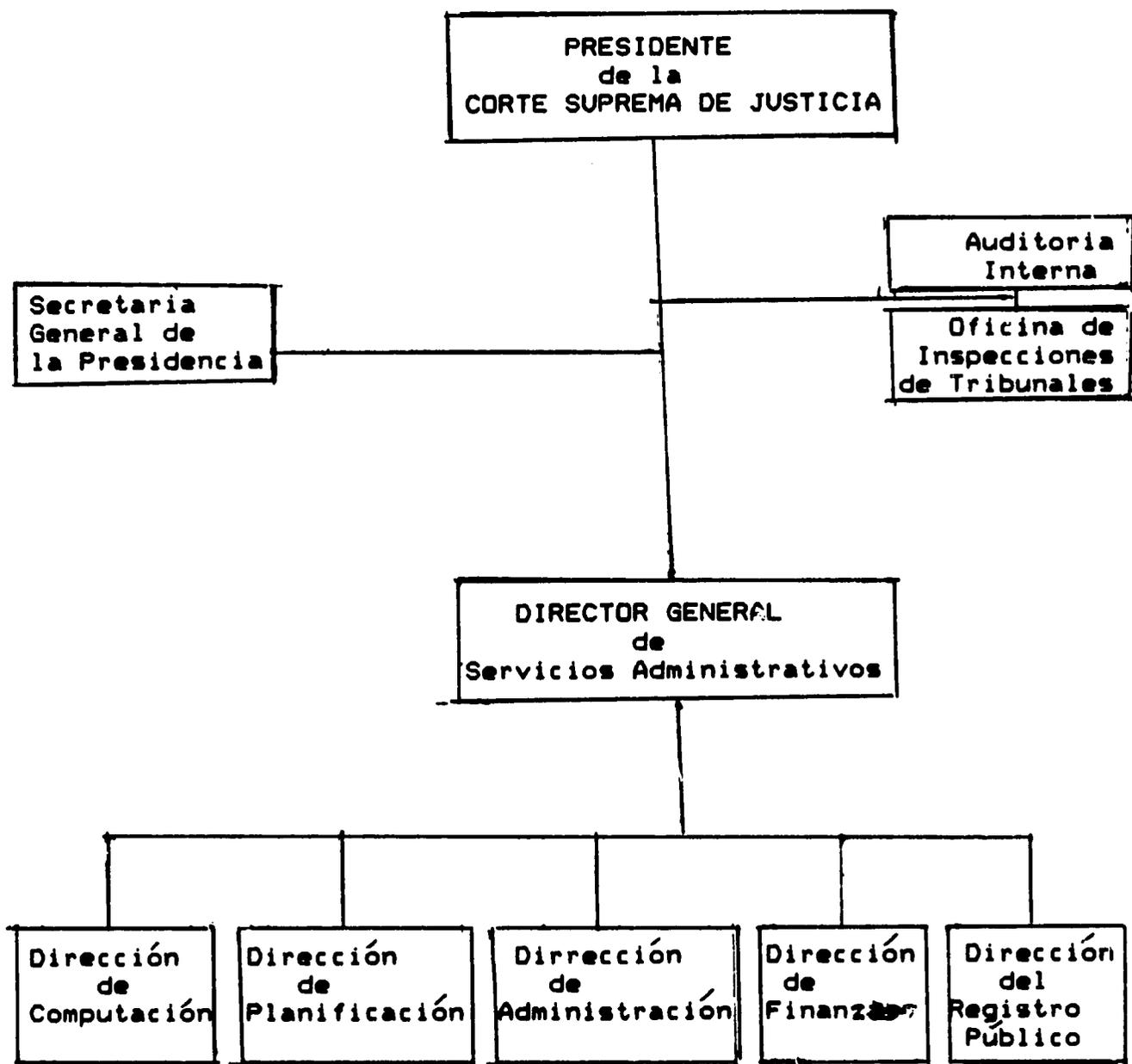
NUEVO SEÑALAMIENTO: _____

ACTA DE REMATE: SI _____ **NO** _____

(Detalles de cada expediente, declaración, orden, fallo, juicio, etcetera, se incluyen en paginas anexas con fecha recibida, folio consecutivo del documento y resumen breve del contenido.)

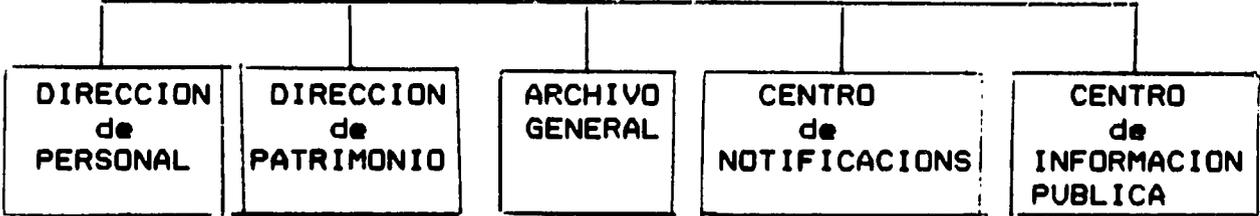
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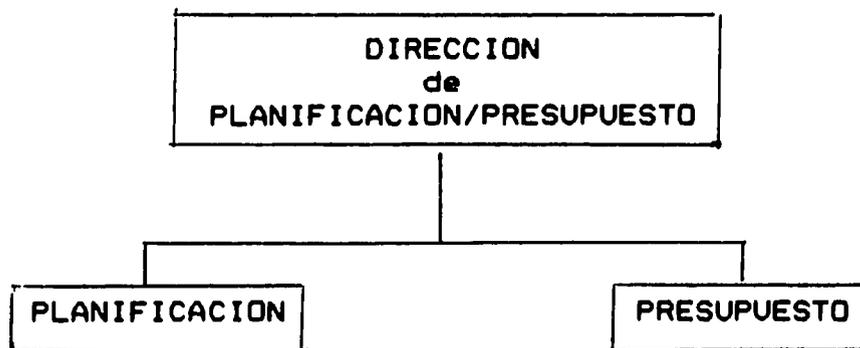
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CENTRAL ADMINISTRATIVE SERVICES OFFICE
JUDICIAL BRANCH OF PARAGUAY

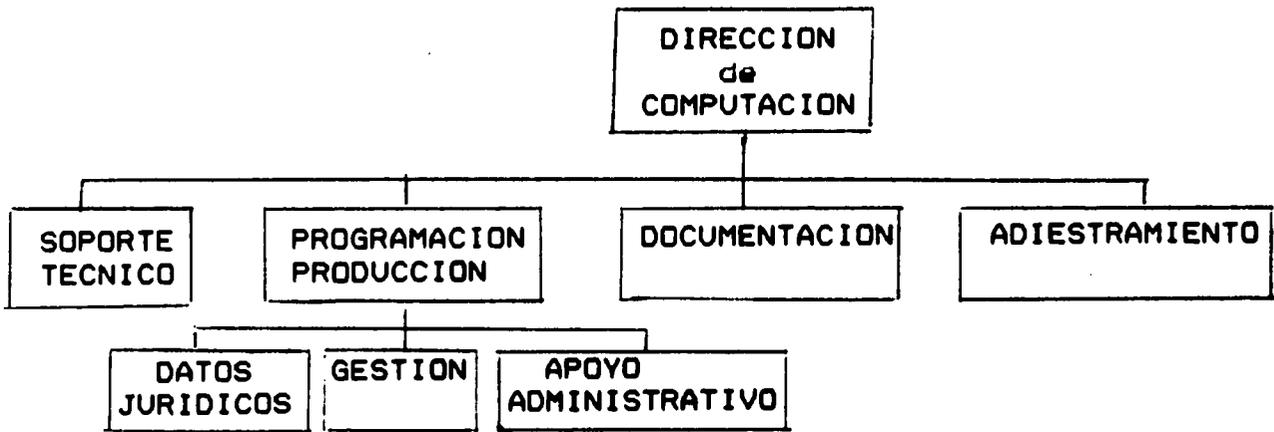


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DIRECCION
de
SERVICIOS ADMINISTRATIVOS

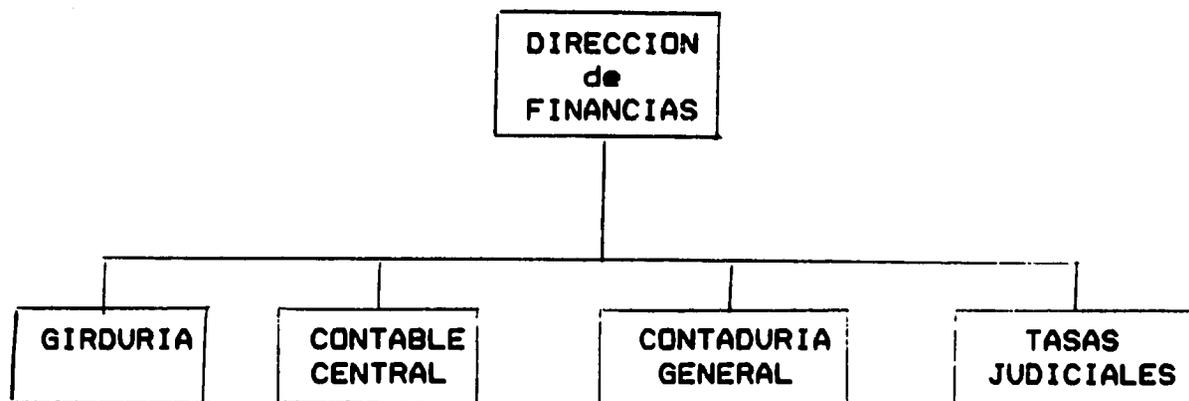




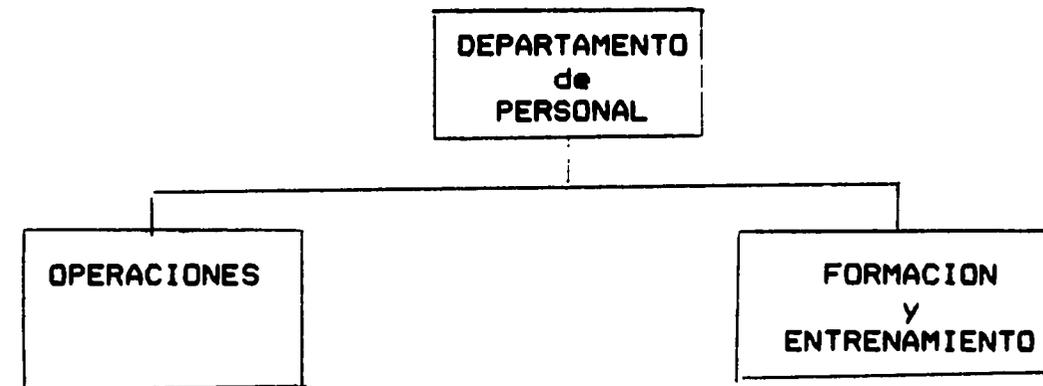




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RECOMMENDED ACTION TIME SCHEDULE

PROBLEM	ACTION	TIME IN MONTHS											
		1	2	3	4	5	6	7	8	9	10	11	12
1. MAJOR BACKLOGS													
	a. Immediate task force to resolve pending criminal cases	x	x	x	x	x	x						
	b. Establish case controls	x	x	x									
	c. Increase working hours on pilot court basis	x	x	x	x	x	x						
	d. Establish central statistics office	x	x	x	x	x	x						
	e. Contract expert to develop effective automation	x	x	x	x	x	x						
2. WEAK ADMIN. INFRASTRUCTURE													
	a. Modernize central admin. organizational structure	x	x	x									
	b. Appoint Dir. Gen. of Admin Services	x	x										
3. WEAK PERSONNEL ADMINISTRATION													
	a. Contract expert to develop effective personnel admin.	x	x	x	x	x	x						
4. INSTABILITY OF JUDICIARY													
	a. Establish separate Jud. Salary and Pers. Plan	x	x	x	x	x	x	x	x	x	x	x	x
	b. Judicial Appointments by Jud. Branch	x	x	x	x	x	x	x	x	x	x	x	x
5. LACK OF CENTRAL PLANNING AND BUDGET ACTIVITIES													
	a. Establish central planning and budget office	x	x	x	x	x	x						
6. DUPLICATION OF EFFORT													
	a. Consolidate double "Secretarias"	x	x	x	x	x	x						
	b. Establish central notifications	x	x	x	x	x	x						
	c. Eliminate civil statistics office									x	x	x	x

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PROBLEM	ACTION	TIME IN MONTHS											
		1	2	3	4	5	6	7	8	9	10	11	12
7.	INEFFICIENT "DE TURNO" SYSTEM												
	a. Eliminate "juzgados de turno"	x	x	x	x	x	x						
	b. Establish central case assignment	x	x	x	x	x	x						
8.	INADEQUATE LOGISICAL SUPPORT												
	a. Review urgents needs and allocate on priority basis	x	x	x									
	b. Increase imprest funds	x	x	x									
9.	IMPROVE RECORDS MANAGEMENT												
	a. Reinforce uniform procedures	x	x	x									
	b. Establish files Disposition Plan	x	x	x	x	x	x						
10.	IMPROVE FINANCIAL AND ACCOUNTING SYSTEMS												
	a. Commence accounting by "Contable Central"				x	x	x						
	b. Obtain total control of judicial taxes	x	x	x	x	x	x	x	x	x	x	x	x
11	REGISTRO PUBLICO NOT A JUDICIAL FUNCTION												
	Transfer to Executive Branch	x	x	x	x	x	x	x	x	x	x	x	x
12	NEED FOR NEW FORUMS												
	a. Establish additional "juzgados de paz letrados"	x	x	x	x	x	x	x	x	x	x	x	x
	b. Establish new "Circunscripciones"	x	x	x	x	x	x						
	c. Consider feasibility of Admin Law Judge	x	x	x	x	x	x	x	x	x	x	x	x
	d. Change binding requirements of arbitration judge decisions	x	x	x	x	x	x						