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NATIONAL CENTER FOR STATE COURTS

REGIONAL ADMNISTRATION OF JUSTICE PROJECT

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
BUREAU FOR LATIN AMERICA AND THE CARIBBEAN
OFFICE OF DEMOCRATIC INITIATIVES

# ASSESSMENT OF

# COURT ADMINISTRATION REQUIREMENTS IN THE TARIJA DISTRICT COURTS

Submitted to:

USAID Mission to Bolivia
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# AN ASSESSMENT OF THE COURT ADMINISTRATION NEEDS WITH RECOMMENDATIONS FOR PILOT PROJECTS AND TRAINING FOR THE TARIJA SUPERIOR DISTRICT COURTS

## I. INTRODUCTION

The U.S. Agency for International Development Mission in Bolivia (USAID/Bolivia) is assisting the Government of Bolivia (GOB) -- under the bilateral Bolivia Justice Administration Project (BJAP) -- to improve the access, efficiency, and effectiveness of the Bolivian judicial system. Component one of the BJAP involves a strategy to support efforts targeting administrative and operational reform in the courts, through pilot court administration projects in several Bolivian departments. Pursuant to the task order for this report, USAID/Bolivia requested technical assistance from the National Center for State Courts to conduct an assessment of court administration practices in one of the proposed pilot jurisdictions, the Tarija Superior District Courts. The purpose of this report is to provide USAID/Bolivia with a description of the key features of the existing system of court administration in Tarija with recommendations and an implementation plan for improving inefficient court management practices in accord with the purpose and goals of the BJAP.

The data for this report was obtained in the course of meetings and field observations in La Paz and Tarija from May 12, through May 23, 1993, in coordination with personnel from the USAID/Bolivia Democratic Initiatives Division. The recommendations and implementation plan are based on the analysis of the two court administration specialists who conducted the meetings in Bolivia, Mr. Jesse Casaus and Mr. Raymond F. Arce.

USAID/Bolivia requested the following specific actions for the assessment:

1. An evaluation of current conditions and court administration practices in the court of Tarija.

2. An assessment of court management system requirements for development of efficient data collection, case tracking and records management systems - with appropriate levels of technology - from existing systems.

3. An assessment of the absorption capacity of personnel to respond to proposed changes with recommendations on appropriate professional development and training programs to increase absorption capacity.

4. A "blueprint" implementation plan combining:
    a. Detailed descriptions of inputs such as training, necessary commodities and material, recommended under the assessments described above;
    b. A proposed timeline; and,
    c. Estimated costs for inputs.

## II. CURRENT COURT ADMINISTRATION ORGANIZATION AND PRACTICES

### A. Judicial and Administrative Organization

#### 1. Judicial Organization

The Tarija Superior Court is composed of a Chief Judge (*Presidente*) and six appellate court judges (*vocales*). One appellate judge is designated the senior judge for civil courts *(decano de las salas civiles*) and has oversight over the three civil appellate courts. A second (of the six) appellate judge is designated the senior judge for criminal courts (*decano de las salas en lo penal*) and has oversight over the three criminal appellate courts. There also are three judges who preside over one trial court for drug trafficking (*juzgado de partido de sustancias controladas*) and one judge who supervises over compliance of court sentences (*juzgado de vigilancia*).

The Chief Judge of the Superior Court also has overall supervision over four civil trial courts (*juzgados de partido en lo civil*), four civil investigation judges (*juzgados de instrucción en lo civil*), two criminal trial courts (*juzgados de partido en lo penal*), two criminal investigation judges (*juzgados de instrucción en lo penal*), two family trial courts (*juzgados de partido de la familia*), and two family law investigation judges (*juzgados de instrucción de la familia*).

#### 2. Administrative Organization

The administrative organization of the courts in Tarija is a rudimentary, single-tiered structure with the Chief Judge of the Superior Court at the center of a hub to which all administrative support staff, including unskilled staff, directly report. It is tremendously inefficient.

The following administrative and operational units all are under the direct management of the Chief Judge:

(1) Forensics Unit (*Oficina Forense*)
(2) Judicial Archives (*Archivo Judicial)*
(3) Library (*Biblioteca*)
(4) Three Administrative Assistants (*Auxiliar I, II y III*)
(5) Telephone Operator (*Telefonista*)
(6) Driver (*Chofer*)
(7) Investigator (*Diligenciero*)
(8) Two Janitors (*Encargados de Limpieza*)
(9) Messenger (*Portero*)
(10) Registrar (*Oficina del Registrador)*

The Chief Judge's responsibility for managing the personnel listed above requires a substantial amount of her time to be focused on routine administrative support tasks. This

results in her being unable to dedicate more of her time to judicial responsibilities and to overall management and supervision of the entire court system within the jurisdiction of the Tarija regional judicial center. It must be noted that although the financial administrator (*Tesoro Judicial*) is given limited responsibility to supervise the administrative staff of the Superior Court system in practice, the chain of command between the Chief Judge and the financial administrator is weak because financial administrators are employees of and answer to the Supreme Court.

### B. Court Administration Practices

#### 1. Lack of Professional Court Administrators

The lack of professional court administrators, appropriate administrative and support infrastructure, and institutionalized training seriously diminishes the effectiveness of court administration in Tarija. Judicial officers, and in particular the chief judges of the superior courts, must spend considerable time on purely administrative matters, such as personnel and logistical requirements, support staff training, case processing and other matters which take them away from active involvement in the resolution of criminal, civil, family and other litigated disputes. Not only are these judicial officials taken away from their primary responsibility to judge but, the time they invest in court administration is unproductive because of their lack of expertise in such matters.

**RECOMMENDATION: The Superior Court of Tarija must establish a position for a regional (district) court administrator who has not less than five years experience as a high level manager or administrator in the public or private sector. The candidate should be sent to one of several judicial administration training programs in the U.S. for a minimum of a basic (but preferably long term) judicial and court administration training course. If such training is not immediately available, outside technical assistance should provide for in-country court administration and court management basic orientation courses.**

#### 2. Lack of Central Case Indices

Currently, public access to court data and proceedings is limited due to the nature of the system. The lack of a central index of cases by parties in criminal, civil, family and other cases means that a person desiring specific case information has to know the nature of the proceeding, the assigned juzgado, the year it was filed and the names of the parties before the case file can be located. Presently, this is not a major problem in Tarija because, due to the relatively low volume of cases filed there, support staff generally recall by memory the case in question and can locate the case file. However, in courts with a heavier volume of filings, the lack of proper procedures for rapid identification of parties and assigned court often results in substantial loss of staff time identifying and locating case files, with the resultant effect of considerable court down time.

**RECOMMENDATION: In order to provide quicker retrieval and more accurate case data, a manual central index system must be implemented as described in the section which details the recommended system. As soon as practicable, the manual system should be automated.**

3. Current Case Assignment System

Currently, cases are assigned in groups of ten on a rotational basis by category (*materia*) (i.e., civil, criminal, family, etc.) to each corresponding court. These rotational assignments are done by the secretarios of the vocal decano of civil cases and the vocal decano of criminal cases for civil and criminal cases, respectively. An entry is made in a registry book of new cases (*libro de ingresos*) in which names of parties, filing date, nature of suit and assigned court are entered both in the registry and on a very flimsy file jacket. It should be noted that none of the courts with the Tarija Superior Court use a file numbering system. When the cases are picked up by an official of the assigned juzgado, he/she will sign the registry as having received the case file.

4. Forum Shopping

The present case assignment system, in which groups of ten cases are assigned to each court successively, permits litigants or their lawyers to select the court in which they will file their case. It is relatively easy to determine what court is currently receiving assignments (*de turno*) and thus, the litigants can predict when their desired court will be receiving case assignments. This system clearly increases the risk of adjudication based on factors other than the merits of the claim. Furthermore, the possibility to "judge-shop" tends to result in effective judges getting complex cases and mediocre judges being "rewarded" with relatively simple cases.

**RECOMMENDATION: The current case assignment system must be changed to a random automated case weighted assignment system to avoid the potential for "forum shopping," described in section II.B.4. above, and to provide for a more equitable distribution of workload. The recommended system is described in the implementation plan of this report.**

5. Duplication of Effort

a. Data Processing

In each juzgado, there is one secretario, one auxiliar and one oficial. After the clerk of the senior appellate judge for criminal or civil cases notes the assignment of a case in his or her registry and the file is assigned to the court that is currently receiving assignments, the clerk or administrative assistant of the receiving court inscribes nearly identical data in the receiving court's own registry of new cases.

Within the juzgado, the secretario will distribute the new cases on a task basis to the other two administrative support employees. The case files are kept on shelving within the juzgado when they are not being reviewed or worked on by the judges or the administrative

staff. The two administrative staff primarily are responsible for maintaining the inscriptions of seven different registries or data books. Three of the seven books contain duplicate hand-written information: the receiving date, names of parties, number of pages of the file, criminal offense or nature of suit, nature of proceeding, action taken, destination of case file, *et cetera.*

b. Service of Process

The oficial in each court generally is responsible for carrying out service of process (*notificaciones* and *citaciones*). Duplication of effort exists because each juzgado has its own oficial to serve its notifications and citations. Thus, there are often situations when an oficial from one juzgado will be delivering a notice to a local address while an oficial from another court will be taking a different notice to a nearby address. There is no formal coordination among the juzgados to preclude such duplication of trips to make notifications in the same general areas.

c. Storage of Exhibits

The secretario generally is responsible for maintaining and controlling court exhibits in the cases assigned to the court in which she or he works. There is no central repository for physical evidence. There are no uniform standards for guarding or preserving evidence in each court. Most courts do not maintain adequate storage facilities for the evidence, which obviously may be inculpatory or exculpatory. Thus, physical evidence is subject to lax controls facilitating theft or destruction.

6. Lack of Case Progress Data

Case processing information contained in the books (libros) is not compiled, reported nor used in any efficient, timely or helpful manner. The entries do not provide useful case management control. If backlogs, delay or congestions occur, there is no routine manner to identify the reasons for such conditions in order to advise the responsible judge or the chief judge. Furthermore, information regarding cases which are pending due to the failure of the parties to proceed or to prosecute and which may have caused the case to become "paralyzed" also is not routinely gathered or reported. The failure to identify abandoned cases or cases that have far exceeded the procedural deadlines causes substantial congestion.

**RECOMMENDATION: The automated case assignment and caseflow management system, described in the section outlining the elements, inputs and data retrieval benefits of automated case processing, must be implemented to eliminate duplication of entries and provide for essential case progress data, as described in section II.B.5. and II.B.6., above. It must be emphasized that the present manual system must first be streamlined before proceeding to an automated program of case processing.**

7. Lack of Proper Judicial Statistics for Workflow Analysis

All courts in Bolivia are required by the supreme court to submit judicial statistical reports every three months. These reports contain data on the number of new cases assigned to the court during the reporting period and a breakdown of case disposition status. Each court submits the statistical report to its superior court which totals the statistics and submits an annual statistical report to the Supreme Court. Commendably, the chief judge of the Tarija Superior Court also requires each of the courts to submit a weekly report of all cases in the resolution stage. Unfortunately, most of the information compiled in the three month and weekly reports is not useful. For example, the courts do not report the number, category or ages of their pending cases. In sum, the reports submitted to the Supreme Court do not contain sufficient data to serve as a management tool for evaluation, problem identification and solving, planning, training, budgeting and other essential needs.

## C. Legislative Conditions and Impact on Performance

1. Establishment of New Courts

A number of key judicial amendments were enacted on March 23, 1993, to the Ley de Organización Judicial. One significant change adds the following new courts to the Judicial Branch:

a. Juvenile Courts (Juzgados del Menor)
b. Labor and Social Security Courts (Juzgados del Trabajo y Seguro Social)
c. Mining Courts (Juzgados de Minería)
d. Administrative Courts (Juzgados en Materia Administrativa)
e. Misdemeanor Courts (Juzgados de Contravenciones) with Police and Traffic Judges
f. Limited Jurisdiction Courts (Juzgados de Mínima Cuantía)

2. Establishment of Automated Registries and Records

Another important amendment will facilitate the improvement of court administration by permitting the use of modern technology with judicial records. The amended organic law permits the automation of judicial records, registries, and other administrative records. The law authorizes court technology as long as an order (acta) is entered by the chief judge of a court which describes the specific information and format which is being automated.

3. Judicial Career Office

The amended law establishes a judicial career office (*Oficina del Escalafón*) at the Supreme Court. It also provides a greater degree of decentralization. Now a judicial career office also may be established at each of the nine district superior courts of the Judicial

Branch. These offices will be responsible for maintaining personnel records of the judicial officers and the administrative support staff. The office will also be responsible for an evaluation process and for processing the appointment of judges and administrative support personnel.

4. Establishment of Financial Offices

The law provides for decentralized budget management by establishing a financial office (*Tesoro Judicial*) in each of the nine superior courts in Bolivia. Under the amended law judicial funds will be sent to each of the nine offices instead of the supreme court financial office, which functions under the supervision of the Consejo Administrativo of the Supreme Court.

5. Lack of Implementation of Recent Amendments

The Superior Court in Tarija has not developed any type of plan to implement the amendments to the Ley de Organizacion Judicial. The Court has not received any type of guidance or instructions from the Supreme Court as to how and when the changes mandated by the law should be implemented.

**RECOMMENDATION: USAID/Bolivia should assist the chief and senior judges of the Tarija Superior Court to seek authorization from the Supreme Court -- through implementing regulations or policy decrees consistent with the recently enacted amendments to the Ley de Organizacion Judicial -- to implement actions proposed in this report for the pilot courts in Tarija. This should done as soon as possible to take advantage of the decentralization permitted under the amendments and to avoid the investment of time and resources on project design which could be disallowed by the Supreme Court. Furthermore, the legal authorization to establish an oficina del escalafón at each judicial center can be the basis for establishing the position of regional court administrator, albeit with another title such as director de la oficina regional del escalafón.**

## III. ASSESSMENT OF COURT MANAGEMENT SYSTEM REQUIREMENTS

### A. Elements of an Interim System

1. Streamlining Caseflow

The current manual case processing procedures in the courts of the Tarija Superior Court are based on the traditional and antiquated use of multiple, handwritten *libros*, all of which contain substantially similar information, but insufficient or irrelevant for purposes of reducing delay through active case management. This section of the report describes the

essential features of the case management system that should be installed in Tarija to improve case tracking and judicial administration to reduce delay.

One of the first steps in a program to develop an efficient manual or automated case management system is the analysis of existing procedures to identify bottlenecks and inefficiencies in case flow. This analysis also should include reviews of the data collected in the traditional *libros* to ascertain if the collected data is necessary for proper case tracking and whether required data records can be combined into as few libros as possible.

Case reviews also should be conducted to determine whether all mandated procedural events are incorporated into case processing procedures. Likewise, the study should include reviews and comparisons of the mandated deadlines with actual time periods to determine whether the deadlines are realistic and, if so, why practical deadlines are not being met.

**RECOMMENDATION: USAID/Bolivia should procure technical assistance to undertake a physical inventory of all pending case files in Tarija in accordance with the suggested inventory form attached as Annex C to this report. The persons carrying out the physical inventory of pending cases also should analyze and make a record of the case processing steps (caseflow) in the Tarija courts. Duplication of records and unnecessary administrative handling should be identified for streamlining and documenting the most efficient and practical caseflow. The objectives of the physical inventory and caseflow analysis include the following:**

**(1) To identify cases which can be purged from a court's pending inventory to remove inactive cases from interfering with active pending cases;**

**(2) To establish a reliable case statistical baseline for future planning, budgeting and management purposes;**

**(3) To assign essential case numbers to each case;**

**(4) To provide research data to evaluate the mandated deadlines for case procedural events for possible legal reform recommendations for more practical deadlines; and,**

**(5) To determine the ages of all pending cases.**

2. Master Index Card System

The Tarija courts do not have a case numbering or an alphabetized index system for easy location of case files. Case filing is left to the memories of the administrative support employees within each court. This method of retrieving case files is inadequate because support employees, who generally are law students, are transitory employees, not career,

professional staff. Moreover, the need for a standard and reliable system for identifying case files is all the more important in jurisdictions with a heavy volume of new cases.

**RECOMMENDATION: A coordinator must be assigned by the chief judge in Tarija to begin preparing a single index card for each case filed with the court and assigned for adjudication. This master index card should be filed alphabetically by defendant and should include the case number, names of parties, offense charged or cause of action, date initially received and the court to which the case was assigned.**

3. Case Numbering System

The Tarija courts do not use a case numbering system to identify case files. It is axiomatic that a modern court information management system requires a number reference system for rapid retrieval of requested or required case data. The numbering system also is essential for ready reference when dealing with other courts and justice sector agencies. Case numbering systems are essential and helpful in manual case processing systems and are indispensable as a necessary first step towards automation.

**RECOMMENDATION: The Chief Judge of the Tarija Superior District Court should order the installation of a manual case numbering system in the Tarija courts to reduce the time it takes to search for case files and to make case information more accessible. As a minimum, the case numbering system should consist of a total of eight alpha numeric digits as follows:**

**a. The first two digits should designate the year, i.e., 93;**

**b. The next digit is a letter designation for the type of case, e.g.:**

**(1) C= civil**
**(2) F= family**
**(3) P= criminal (penal)**
**(4) M= juvenile (menor)**
**(5) Other letters can be used for other materias**

**c. The next four digits should be used to number cases consecutively as they are filed and assigned. Thus, 93C0067 is an example of the complete case number of the 67th civil case assigned during 1993.**

4. Case Assignment System

The case assignment system in Tarija is not recommended. The procedure allows litigants and attorneys to predict when a specific juzgado will be assigned new cases and it produces an uneven distribution of workload in that it does not differentiate complexity of cases when case assignments are made.

There are two methods for dealing with the above problems. One method is to use a random case assignment system where a random selection formula is used. If the same is manual, an equal number of shuffled cards printed with court designations is placed in a "blind" stack and placed upside down so that no one can see or predict which court will get the next case assignment as the cards are peeled off. If a personal computer is available for new case assignments, a simple software program for random but equal case assignment can be easily established.

A problem with the above random assignment systems is that there is no provision for maintaining an equal distribution of workload instead of just an equal numerical distribution of cases. For example, a criminal court could receive a large number of homicide cases while a sister court receives a large number of bad check cases which generally go to trial. This problem of unequal workload distribution and the possibility of "judge-shopping" can be overcome by using a weighted case classification system where cases are randomly assigned but there is a provision that one or a few courts receive complex cases while others just receive simple cases. This latter system requires the calculation of weights or relative values of each category of case by taking into consideration different factors which touch on complexity of each case. Such factors would include:

(1) Type of offense or nature of civil suit, i.e., murder, aggravated assault, robbery, fraud, etc., and for civil cases, divorce, anti-trust, contract matters, failure to pay, etc.;
(2) Number of charges;
(3) Mandated penalty parameters, if convicted;
(4) Number of defendants;
(5) Number of victims;
(6) Whether defendant is in custody;
(7) Number of pleadings in case file;
(8) Other factors, such as whether a criminal case has a civil case component.

**RECOMMENDATION: A random case assignment system must be used in lieu of the current rotational *de turno* system. If automation is not feasible now, a manual system of "blind" cards should be used.[1]**

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[1]The "blind card" system may be implemented by preparing 25 cards for each court. The cards of each juzgado are shuffled by case category and assigned to new cases with the side of the card holding the juzgado designation out of view to the court official making the case assignment. Another manual system could be substituted instead of the "blind card" system by placing 25 pieces of paper for each court in a container for random blind selection. If automation is available, a simple program can be made to establish decks to allow for randomness and also distribute cases equally by workload using previously determined individual case values.

5. Control Docket Sheet

The Tarija court personnel do not use effective control mechanisms to maintain timely movement of a case. The status of a case is generally left to the memories of the administrative support employee handling specific cases or to the secretario or judge who determines when something must be accomplished on a specific case. An appropriate case control document must be devised and used to assure that the case is proceeding timely.

**RECOMMENDATION: Upon receipt of a new case assignment, each juzgado should initiate a paper case control docket sheet for cases proceeding under a manual case management system. If case tracking is done by automation, the case control docket sheet becomes an electronic docket sheet after the proper transition has proven that the automation of caseflow is accurate, timely and efficient in comparison to the manual system. The paper docket sheet should be of card thickness and should have preprinted data entry spaces for such items as the case file number, date filed, names of parties, nature of suit or offense for criminal cases. The docket sheet or fichero should also contain preprinted critical events with spaces for entries of dates when such events are completed in order to ascertain the status of each case by a mere review of the case control docket card and obviate the need to review the entire case file to determine its status with a resultant savings of critical judicial and administrative time. Examples of both criminal and civil U. S. District Court docket sheets for both manual and automated docketing are attached as Annexes D, E, F, and G to this report.**

**B. Automated Case Tracking System**

1. Automating Specific Courts

The first step in the path to automating repetitive case management procedures and establishing automated control mechanisms is the design and implementation of an interim manual processing system. The manual system must be based on the findings of preliminary work such as the case inventory described above. The manual system must eliminate defects in the existing system that have been highlighted above, such as duplication of records, and unnecessary administrative processing steps while adding adequate control mechanisms. After streamlining of the manual process is accomplished, automation may begin through incremental adoption of automated procedures in pilot courts.

In order to test the viability of automating the case tracking system, the main focus of the pilot project would be to integrate, both vertically and horizontally, the case flow and case processing in selected courts. The registers (libros) used to record the movement and actions pertaining to a particular case would be replaced by computer-based registers. The preparation and processing of notices and summonses as well as the archiving of completed cases also would be automated. Other areas and opportunities to streamline, simplify and automate would be identified and prioritized during the course of the pilot project.

In the pilot courts, priority should be given to developing electronic file formats for preparing legal documents used by the courts to process cases and for other word-processing uses. Formats for case processing would simplify administrative procedures by eliminating or reducing the incessant typing and retyping of documents which for legal reasons cannot be photocopies. A library of electronically-filed documents developed and used in similar type cases would expedite processing and result in increased efficiency in the juzgados where only changes in names, dates, places, etc., would permit the beneficial use of uniform pre-developed formats.

**RECOMMENDATION: A pilot automated case tracking program should be established in a limited number of courts in Tarija to start. Later, all courts in Tarija should be incorporated into the automated case tracking system. The courts in which to begin should include: all *juzgados de instrucción en lo penal, juzgados de partido en lo penal,* one *juzgado de instrucción en lo civil* and one *juzgado de partido en lo civil.* Technical assistance should be provided as indicated in the Implementation Plan of this report.**

### C. Other Automation Requirements

#### 1. Improvement and Automation of Judicial Statistics Systems

The statistical data reported by each local court to the chief judge of the Superior District Courts for preparing annual reports to the Supreme Court does not permit meaningful or useful management analysis. A judicial system cannot be properly evaluated for mission accomplishment if it does not have pertinent and accurate statistics to determine the number and type of new case filings, the number, categories and processing times of cases which it has disposed of during a specific period and the number, categories and ages of pending cases. Additionally, courts should highlight pending cases that have become inactive. Procedures must be coordinated with the central statistics office of the Supreme Court so that this information and statistics are recorded and reported systematically by each court to the Supreme Court.

The central statistics office in coordination with the district superior courts must develop and continually refine the data, procedures, forms, formats and periods which field courts should use to report their statistics and related data. It cannot be emphasized too strongly that accurate and useful statistics must be captured, recorded and reported as these can be the basis for establishing caseload and personnel standards, evaluation of mandated critical event deadlines, identification of problem areas, workload projections, budget preparation, determination of training needs, jurisdictional realignments, determination of need for additional courts, judges and administrative staff, judicial impact of new legislation, criminological and sociological studies, legislative background data for enactment and amendment of laws, legal codes and procedural codes, determination of adequacy of police and detention facilities, law school curricula development and a host of other purposes.

**RECOMMENDATION: It is recommended that a local firm provide technical assistance to develop a judicial statistical system and to prepare manuals, forms and software programs to gather and report these statistics. The firm should assure that sufficient input is received from all possible entities in developing what statistics should be reported. Input should be obtained from the other justice sector agencies, police, national statistics office, universities, law school faculties, bar associations, private judicial, legal and sociological research entities, Legislative Branch and pertinent agencies of the Executive Branch. The firm should be qualified to accomplish all aspects of this very important recommendation from the development of what should be collected by the statistics clerk at each court to forms, written manuals, software, training, types of reports and how the information can be used to improve the administration of justice.**

2. Records Management

Case files are stored on open shelving in each *juzgado* according to category, i.e., by offense for criminal cases, by nature of suit for civil cases. They also are distinguished by one of three case status descriptions: "Active," "Closed," or "Dormant." Family cases are kept on shelves filed based on the alphabetical order of the plaintiff's last name. Case files in the general archives office of the Tarija Superior District Court are stored on open shelving in tied bundles by year and by court.

Almost all of the case files, whether in the courts or in the general archives office are in poor and deteriorating condition. The paper cover sheets of the files are frequently torn and dirty. They are not adequate to protect the contents. As previously indicated, the files do not have a numbering system. Consequently, to locate a specific file, a clerk must search an entire bundle of case files. The bundles are identified only by court and year of filing. Therefore, unless the clerk knows both the court *and* year of filing of the case, he must search through multiple bundles of cases.

Many of the inefficiencies in court administration in Tarija will be resolved by developing and instituting uniform procedures. Now, for example, there is no clear policy as to how long a dormant case should be maintained on the shelves of each court. In interviews conducted for this report, judges reported periods ranging from six months to as long as five years for classifying an inactive case as abandoned and removing it from the docket. The amended judicial organization law states that cases which have been abandoned for more than one year shall be deposited in the general archives with closed cases.

**RECOMMENDATIONS:**

**(1) It is recommended that the present file folder be eliminated and replaced with a sturdier folder such as card stock file folders with Ansco type fasteners. These fasteners have a long life duration and retention of documents are more properly assured when the documents are punched with two holes at the top of the document and then placed within the metal clasp. This type of file folder allows better protection of the documents within, assures**

**their retention in place and, eliminates the traditional procedure of sewing each document in the folder.**

**(2) It is recommended that USAID fund the purchase of a better and heavier stock of file jacket covers with metal fasteners for use in the Tarija District pilot courts for testing and evaluation for use in all Bolivian courts. Furthermore, it is recommended that these jackets be preprinted with appropriate lines to enter the case file number, names of defendant(s) and plaintiff(s), category of case (nature of offense for criminal, nature of suit for civil matters), filing date, dates of completion of critical events (detención, vista fiscal, indagatoria, clasificación de fianza, libertad provisional, suspension de libertad provisional, rebeldía, confesión, etc. The use of the aforementioned preprinted information on the face of the file jacket would be useful for judges and other interested entities to determine quickly the status of each case without having to review all pleadings within the case file.**

**(3) Technical assistance should also be provided to develop a uniform records management program for the Tarija courts. The program should include the development of policies, procedures and a manual reflecting how often and what methods should be used to transfer closed files from the courts to the general archives. The technical assistance should also work with representative judges, secretarios, Executive Branch archives specialists, law school representatives, Legislative Branch specialists, historians and other pertinent professionals to develop a records management and disposition plan in order to eliminate the current practice of retaining most files. The plan should define standards for determining what records should be kept indefinitely and what type of records should be destroyed after a predetermined period. For example, in the case of a trial involving corruption by a high level official, the file probably would be archived permanently; in an aggravated assault case the file might be retained for 25 years; and, in a bad check case the plan might recommend elimination of the file after five years. The procedures adopted should be well documented and the guidance included in a records disposition manual for use by court staff.**

**(4) Technical assistance should be provided to develop a software program for the general archives office to enable it to input all records received and to permit rapid retrieval of files when needed.**

3. Automation of Detainee Records

a. Responsibilities of the *Juzgado de Vigilancia*

Article 163 of the amended judicial organization law states that a judge in each judicial district must be assigned the task of assuring that criminal sentences are being served (*juzgado de vigilancia*). This judge also is responsible for maintaining the prior criminal records of all criminal defendants convicted and sentenced in the criminal courts located within the jurisdiction of the judicial district court. The judge and social workers of this court also are required to visit jails, convicted defendants, those released on probation, their families and victims and their families to assist them in accordance guidelines established in the

amended Judicial Organization Law, the Criminal Code, and the Ley de Ejecución de Pernas y Sistema Penitenciaro. Finally, the court is responsible for submitting whatever reports are required by the district superior court and for submitting reports of prior convictions as requested by other courts.

b. Jail Conditions

A visit was made to the penitentiary located in the outskirts of Tarija. This jail houses prisoners in preventive detention and those serving jail sentences. There were 109 male and 9 women prisoners in the detention facilities which was built to house 40 prisoners. Records kept by the jail director reflected that 38 prisoners (33%) of the detainees had not been convicted as yet, but the majority of these had already been in custody longer than what their jail sentences would have required. It was explained that these prisoners had not been tried because of the lack of sufficient attorney defenders and because of the lack of initiative from the courts. One prisoner who had been in detention for over one year allegedly had been acquitted by the Supreme Court six months before but, was not released because the Supreme Court had not forwarded the acquittal documents to date. Many prisoners had completed their required two thirds of their sentence and were eligible for release, however, they could not be released because they are unable to pay the costs imposed as court costs or victim restitution.

c. Prior Criminal Records

As indicated, the juzgado de vigilancia is responsible for responding to requests for reports of prior convictions. This task is formidable because neither the courts nor the detention facilities have alphabetized records of prior convictions. Thus, the judge for this court has to accomplish a herculean task in reviewing many records in order to response to requests for prior convictions. An automated record system is urgently needed for research for prior convictions, present locations of defendants and whether they have been processed through the courts.

**RECOMMENDATIONS:**

**Technical assistance should be provided to the judge responsible for sentence compliance to enable it to develop an automated record of detained defendants -- no matter whether they have been tried, have prior convictions, or have defense counsel -- and to provide compliance follow-up on jail sentences.**

**D. Consolidation of Operations**

1. Establishment of a Single Clerk's Office under a Regional Court Administrator

Under the present system, new complaints are presented to the pertinent secretaria de cámara for its assignment to the appropriate juzgado. New cases are noted in the libro de

ingreso at the secretaria with the basic data previously described. The new case file is then distributed to the assigned court. The records maintained by the receiving courts have also been described above. Since the administrative tasks performed in each juzgado are generally the same as in the other juzgados, there is a number of benefits which can accrue to all the Tarija courts by consolidating the common administrative tasks into a single clerk's office (*secretaria común*) and placed with other consolidated activities under the supervision of the regional court administrator. Such consolidation would eliminate duplication of effort, provide a central point for public information, provide for uniform procedures, establish a more efficient administrative hierarchical structure, provide for economy of scale, facilitate automation because of streamlined functions and overall operations and permit the redeployment of staff to other areas of need, including new courts.

2. Establishment of a Central Notification Center

As described above, each court is required to accomplish service of process for all cases assigned to it. No mechanism exists to coordinate delivery of service under the existing system. Consequently, individual process servers travel simultaneously to the same general areas. To avoid this unnecessary loss of manpower, time and costs, the responsibility for all service of process should be placed in a single unit under the supervision of a regional court administrator.

3. Establishment of a Central Exhibits Storage Facility

Each secretario is responsible for retaining the exhibits presented to his court. As previously explained, the safeguarding of such exhibits, especially those which are valuable, dangerous or sensitive, leaves much to be desired because of the non-availability of proper safes, strong boxes or fire and tamper-proof filing cabinets. This problem can be overcome by centralizing all such exhibits under proper safeguards at a general archives in each Superior District Court with overall supervision of the regional court administrator. An automated program for exhibiting storage accountability could be established with the automated program for records management at the general archives.

4. Establishment of the Office of Regional Court Administrator

Upon approval and selection of a regional court administrator, an administrative infrastructure should be established by which the administrator, under the direct supervision of the chief judge, can supervise, control and improve the common core administrative support functions, establish streamlined case processing procedures on a centralized basis, supervise the pilot court automation projects and provide feedback and periodic evaluations to the Tarija Superior Court, Supreme Court and USAID/Bolivia on the pilot court projects.

RECOMMENDATIONS:

**It is recommended that outside technical assistance be provided to guide and aid the Chief Judge of the Tarija Superior Court to:**

**a. Establish the organizational structure of the regional judicial administrative infrastructure;**

**b. Promote improved court administration;**

**c. Enhance the benefits of decentralization;**

**d. Streamline caseflow;**

**e. Establish and maintain improved case processing control procedures;**

**f. Consolidate the common core activities of each juzgado into single operational units for improved efficiency and economy by serving all courts in such areas as:**

**(1) Establish a single clerk's office;**
**(2) A central notifications office;**
**(3) Central financial, accounting, budgeting and disbursements operations;**
**(4) Effective safeguarding, control and management of archives and exhibits; and,**
**(5) Supervise and monitor the pilot automation projects described in this report.**

**A recommended organizational chart for the regional court administrative support services is attached.**

## IV. TRAINING REQUIREMENTS

### A. General Approach for Introducing Changes in Court Administration in Bolivia

In Bolivia, court administration by non-judicial personnel, albeit with a legal background, is inefficient and antiquated.. Bolivia does not possess a cadre of trained professional court managers who can step up to the task of overseeing the day-to-day court operations in either the superior or trial courts. Traditionally, the oversight of operational and administrative tasks has been the responsibility of chief judges, vocales in the appeals salas and judges in the juzgados. Training is not provided to administrative personnel in Bolivia. Neither judges nor administrative personnel have received court management training. Moreover, the notion that a non-judicial professional employee would handle judicial administration responsibilities is not universally accepted among the Bolivian judiciary and administrative personnel.

## B. Recommended Training Methodology

### 1. Initial Briefings of Administrative Staffs

While some of the Tarija judges, especially the vocales, are well informed regarding the goals of the USAID/Bolivia Administration of Justice program, the same cannot be stated concerning the non-judicial staff at the Tarija District Superior Court. Thus, the first step should be to provide a formal presentation to the administrative staff in order to solicit input, cooperation and coordination from them on the overall project and training objectives. Thereafter, periodic meetings should be held with the secretarios, auxiliares and oficiales to establish working relationships, building trust and to identify individuals who can help define and develop training needs and materials for the groups.

### 2. Establishing Goals and Objectives

An important aspect of the training to be given is to assure that all concerned are aware of the goals and objectives to be attained. In these areas, the target groups should participate in the process of identifying and establishing specific administrative, organizational and management goals and objectives. They should be guided through the goal setting process in order to have them be a part of the process of establishing meaningful and attainable goals and objectives based on their specific cultural values, priorities and local cultural milieu.

### 3. Use of Workflow Analysis

The instructor should take the trainees through their current workflows and procedures with discussions of the values or flaws in the present procedures. Flow-charting techniques should be used to demonstrate and emphasize the importance of specific inputs, processing and results. The steps necessary to yield a specific result should be critically evaluated by the groups. Methods on how to improve, simplify or eliminate processes which obstruct the reaching of desired results should be solicited through informal or formal surveys. An important objective will be the development and implementation of measurable benchmarks and objectives and a detailing of how workflow analysis must be used on a continued basis to assure that changing factors must be taken into consideration for continuing successful results.

### 4. Training in Statistical Analysis

Reliable statistical data concerning the court workloads at the Tarija District Superior Court should be gathered and evaluated. Such data should be compared to mandated time periods and other standards to determine the capabilities of the courts to fulfill their mission in providing fair, honest and timely administration of justice. If the actual times do not compare favorably with required deadlines, trainees should attempt to pinpoint where the problems or bottlenecks are obstructing the prompt resolution of cases and develop rational procedures to overcome them. The many uses of proper statistical data should be examined to demonstrate how these can be the basis for workload standards, projections for new courts

and/or additional judicial personnel, realignment of court jurisdictions and for forecasting of budgetary and other resource necessities.

5. Leadership Training

The trainees should receive an introduction to the dynamics of work place leadership with particular emphasis on the need to have what has been called "guided vision". Similarly, the trainees should be given exposure to Maszlow's theory of hierarchy of needs as a basis for understanding the psychological fulfillment of needs of subordinate employees and each other. Leadership training should also include round-table discussions on the strategic roles of group dynamics and communication skills, group problem solving, individual and organizational planning, control mechanisms, organizational development, management by objectives and the other principles of proper management, including the importance of conflict resolution.

An important aspect of leadership training in the court environment must include an understanding of the proper relationships within the executive component of the court, primarily involving the chief judge and the court administrator and the latter's role in relation to other judicial officers. It is necessary for the judicial officers and the administrator to know and accept that the administrator is not a supervisor of the judges but rather he/she must be available to serve the judges so that they can dedicate their entire time and effort to their primary responsibility of resolving cases.

**RECOMMENDATIONS: It is recommended that the training as described in this report be provided by outside technical assistance as follows:**

**a. In-country training for the executive component of the court (chief judge and the regional court administrator) on principles and practices of court management, court administration, caseflow tracking and management, team management, joint planning, pilot project implementation and analyses, evaluations and adjustments of pilot projects;**

**b. In-country orientation and training for court administrative support staff on goal setting, problem-solving, case tracking, improvement of caseflow and uses of automation with caseflow management and analyses;**

**c. Out-of-country in depth training for central office and regional court administrators for a master's degree in Public Administration with emphasis on court management and court administration.**

## V. IMPLEMENTATION PLAN

### A. Introduction

This section describes a proposed implementation plan to improve court administration/management and case management in the Tarija Superior Court. The section is based on the recommendations elaborated in the previous sections. It sets forth one possible framework for operationalizing the recommendations and describes the expected or desired results. It also lists and describes training, specialized services, materials, computer hardware, computer software, and facilities necessary for the implementation and successful operation of the systems and subsystems. The recommended training, technical assistance, and computer hardware and software include rough estimates of costs.

### B. Implementing Court Administration/Court Management

#### Phase 1 - Recruiting and Selecting a Professional Court Manager

Steps:

1.1 Provide outside technical assistance to develop the court manager position classification specifications;
1.2 Prepare job announcement bulletins;
1.3 Prepare criteria for screening job applications;
1.4 Prepare procedures for checking and verifying experience and other information submitted by candidates;
1.5 Prepare interview questions;
1.6 Recommend the structure and composition of the interview committee;
1.7 Recommend the interview process;
1.8 Orient interview committee members regarding the interview process;
1.9 Monitor the interviews; and, provide counsel as requested in the final selection decision.

Estimated cost for outside technical assistance to accomplish Phase 1 tasks:

| | |
|---|---|
| $22,500 | Personnel |
| $1,500 | Travel |
| **$24,000** | **Total Estimated Phase 1 Costs** |

Phase 2 - Training the Newly Selected Tarija Court Administrator and the Court Executive Management

As recommended in Section IV, above, the person selected to be the Tarija court administrator should begin immediately a judicial administration training program in the U.S. or the region. Alternatively, court administration/court management training could be provided through the use of outside technical assistance. Training also should be provided to an executive court management group, which is composed of the person selected to be the national court administrator, the persons selected as regional court administrators, the national director for regional court administration, the chief judges from each departmental district court, and other key personnel from the national and regional levels; i.e., head of administration, head of information systems, head of human resources, etc.

The curriculum should include: Leadership and Motivation; Promoting and Managing Change; Court purpose and (business) functions; and, Court Administration and support functions. This training should be provided through outside technical assistance.

Estimated cost for outside technical assistance to accomplish Phase 2 (training):

| | |
|---|---|
| $24,900 | Personnel |
| $1,500 | Travel |
| **$26,400** | **Total Estimated Phase 2 Costs** |

C. Establishing Automated Case Tracking and Case Management Systems

Phase 1 - Setting Up Appropriate Facilities

Steps:

1.1 Define space (approx. 500 square feet) for a common clerk's area as well as a room (approx. 144 square feet) with the appropriate climate and security controls for maintaining a computer file server, computer printer, and other related equipment,;

1.2 Identify physical location;

1.3 Design and reconstruct/build administrative office.

Estimated Costs:

Estimated cost for outside technical assistance to accomplish Phase 1 tasks:

| | |
|---|---|
| $2,250 | Local Technical Assistance |
| $19,320 | Space (644 Square feet @ $30/Sq. Ft.) |
| **$21,570** | **Total Estimated Phase 1 (Facility) Costs** |

Phase 2 - Procuring and Setting Up Computer Equipment

A Local Area Network (LAN) serving the Tarija Superior Court is recommended, under which each courtroom would have two personal computers connected to a file server. Support areas like archives and the common clerk's area would also be connected to the LAN.

Estimated Cost for Hardware:

| | |
|---|---|
| $2,250 | Local Technical Assistance |
| $10,000 | File server capable of handling at least 20 users: 32 bytes, 33 megahertz or better, fully duplexed, 40 mb (expandable) memory, 80 mb hard disk. |
| $25,000 | Allowance for network hardware, software, and cabling costs. |
| $135,000 | 60 (at minimum) personal computers, 25 megahertz, 2 megabytes of memory, 120 mb hard disk capacity. |
| $1,200 | Uninterrupible power supply (ups) for use with the lan. The ups should automatically switch to an internal battery backup system whenever the network experiences power failure. The battery backup capability should be 15 to 20 minutes. |
| $60,000 | Twenty-five letter-quality printers capable of printing on letter or legal sized paper. Also one wide carriage 300 lines per minute (LPM) printer for use in the computer equipment facility. |
| $12,000 | Network cards for the personal computers 60 cards at $200. |
| $3,000 | Supplies (paper, ribbons, toner, etc.) |
| **$248,450** | **Total Estimated Cost of Hardware.** |

Estimated Cost for Software

| | |
|---|---|
| $7,000 | Commercially available word processing, graphics, and spreadsheet software. Where network versions of the software are feasible, it is recommended that a network license with multiple users less, than 100, be obtained. |
| $100,000 | A case Tracking and Case Management System will be required. The system should be capable of: |

- creating a record for each case;
- producing a case number for each case;

- preparing a case file folder label;
- assigning cases to judicial officers base on using a weighing algorithm;
- scheduling and tracking case events/activities;
- producing notices and other documents;
- producing court calendars;
- producing sentencing and other disposition activity documents;
- archiving completed cases;
- producing workload, activity, inventory, and ad hoc reports.

**$107,000 Total Estimated Cost of Software**

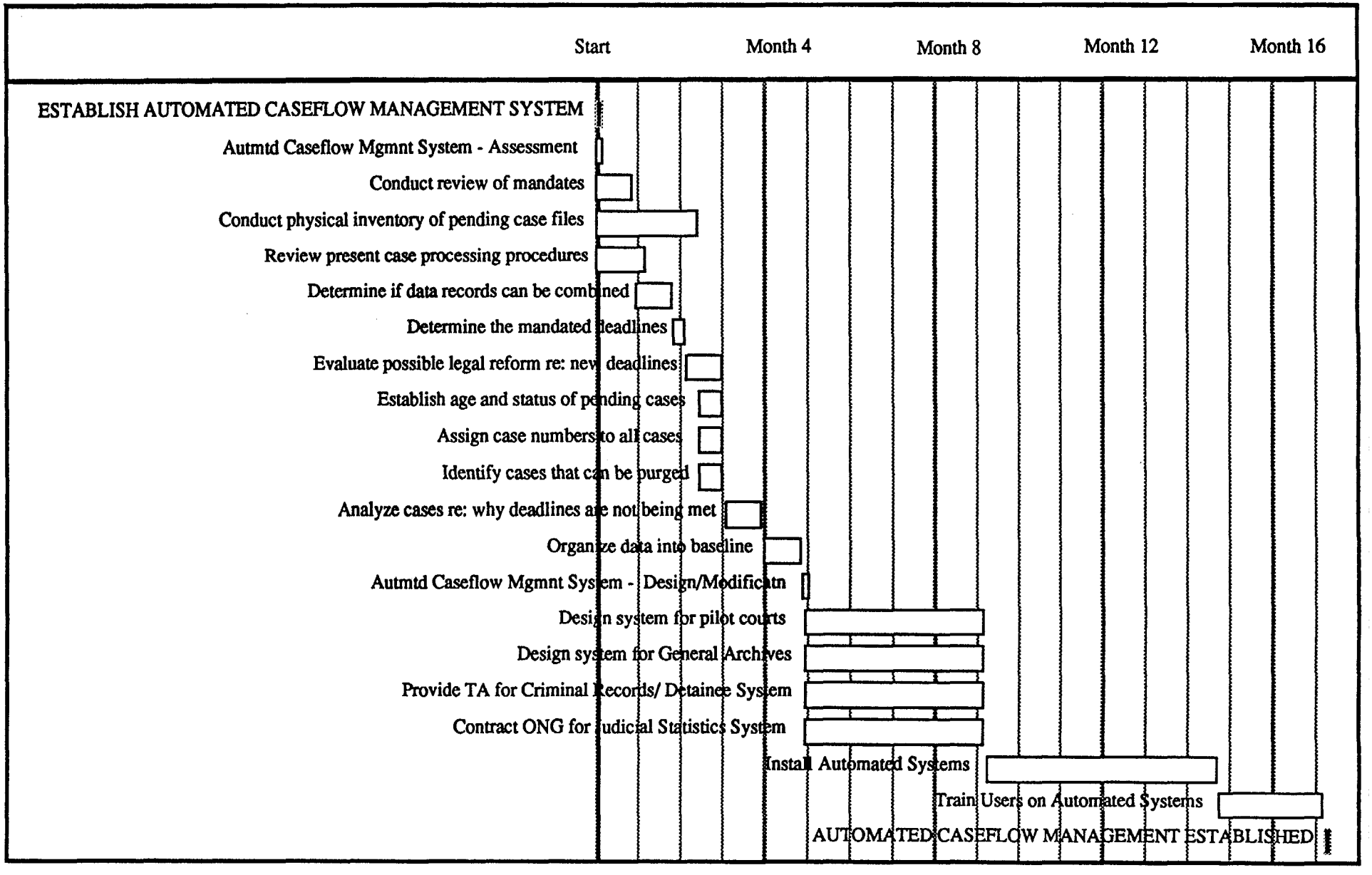
While packaged turnkey case tracking and management systems are available, it may be necessary to modify a packaged system or design an individual program for the Bolivian Court System. The analysis required to determine which of these options are the most appropriate and cost effective is beyond the scope of this report. The estimated cost is based on utilizing a packaged turnkey system with some modifications to adapt it to any unique requirements in Bolivia.

D. Time Line

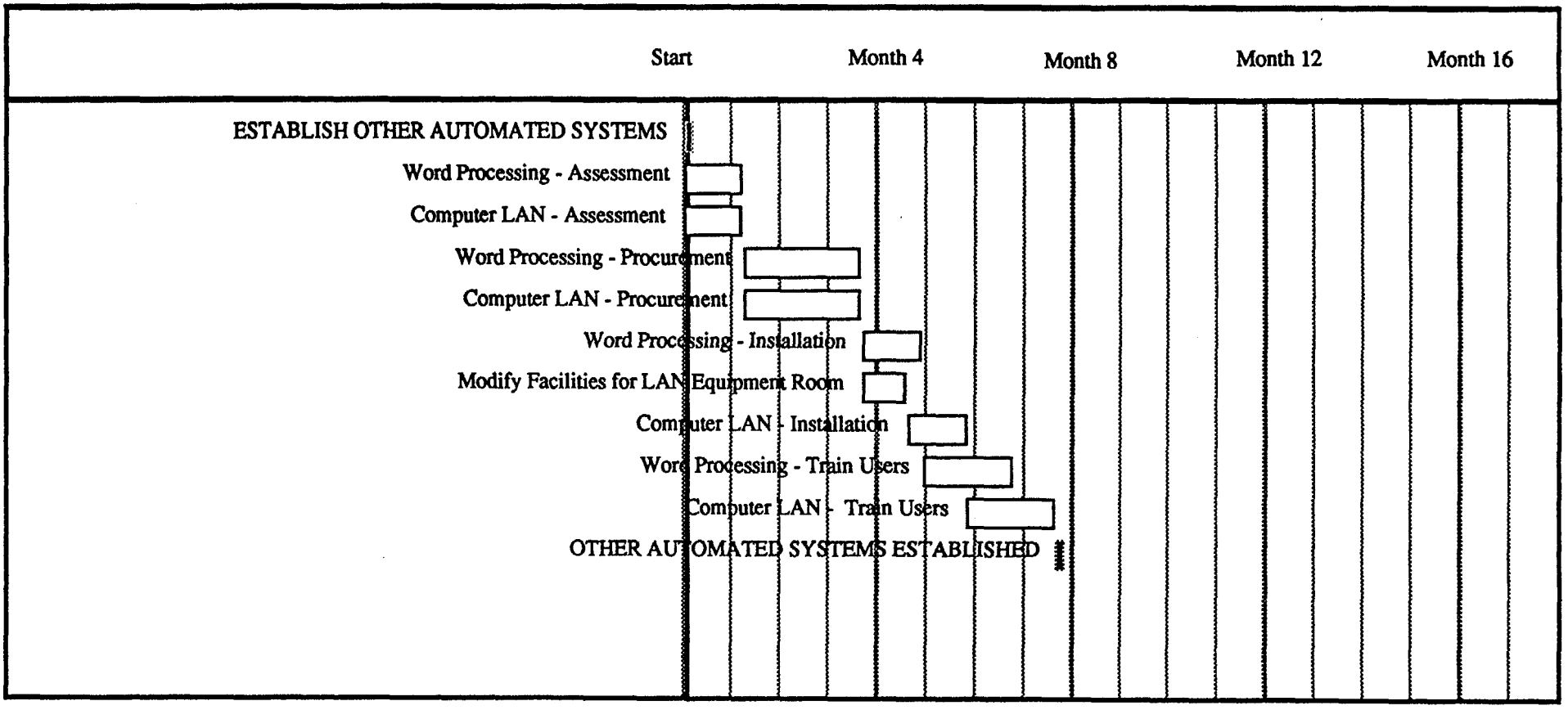
The estimated total time required to complete all of the major tasks proposed in this document to improve court administration in the Tarija pilot courts is approximately seventeen months. The six time lines that follow in Annex A provide an estimated time table for all of the discrete tasks required to accomplish the overall objective of improved court administration in Tarija. Some shifting of the "non critical path" activities may be possible.

Annex A

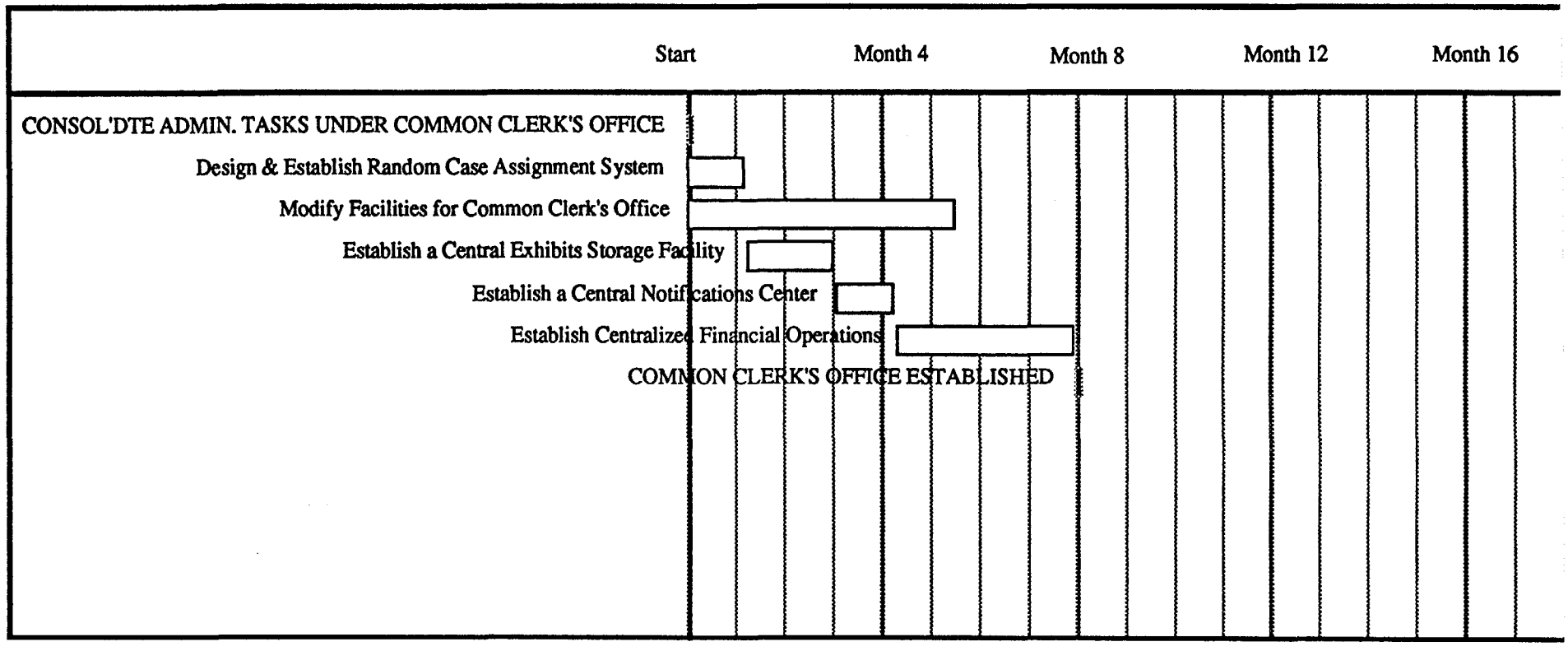
1) Timeline for Implementation Plan
Establish Automated Caseflow Management System



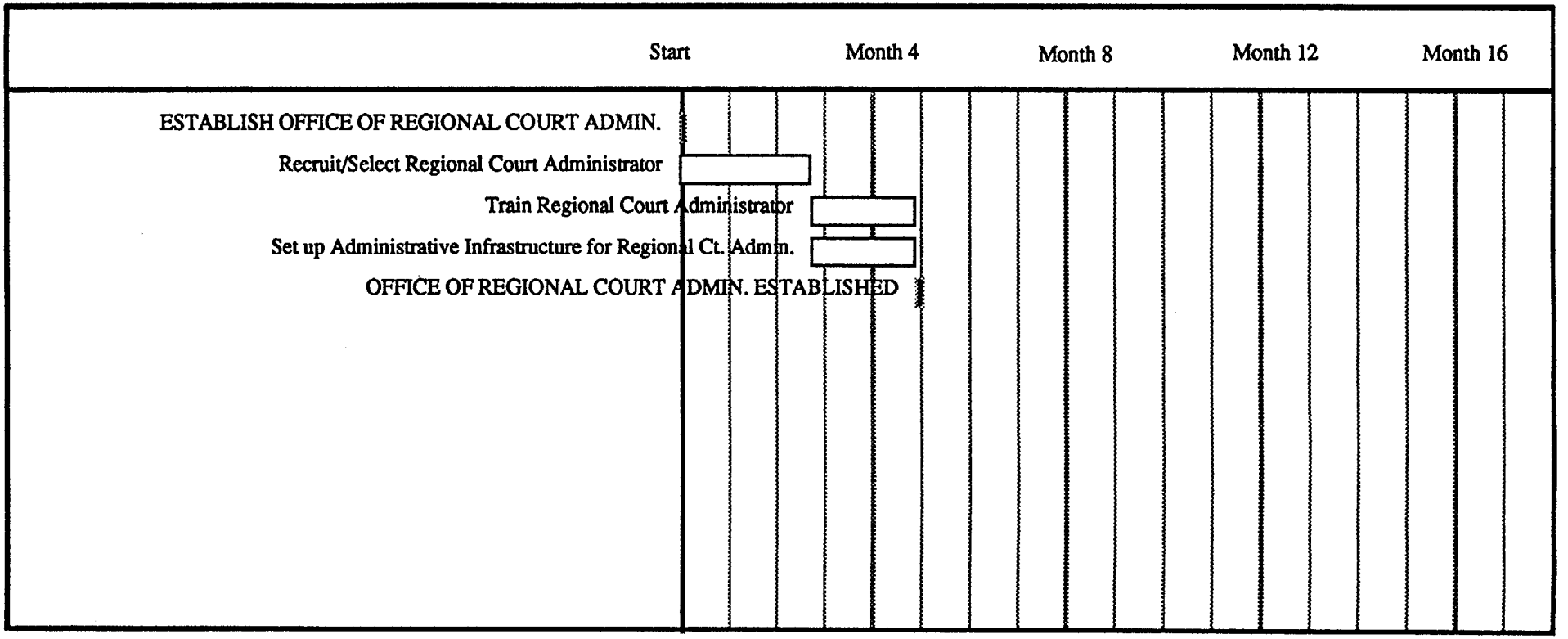
2) Timeline for Implementation Plan
Establish Other Automated Systems



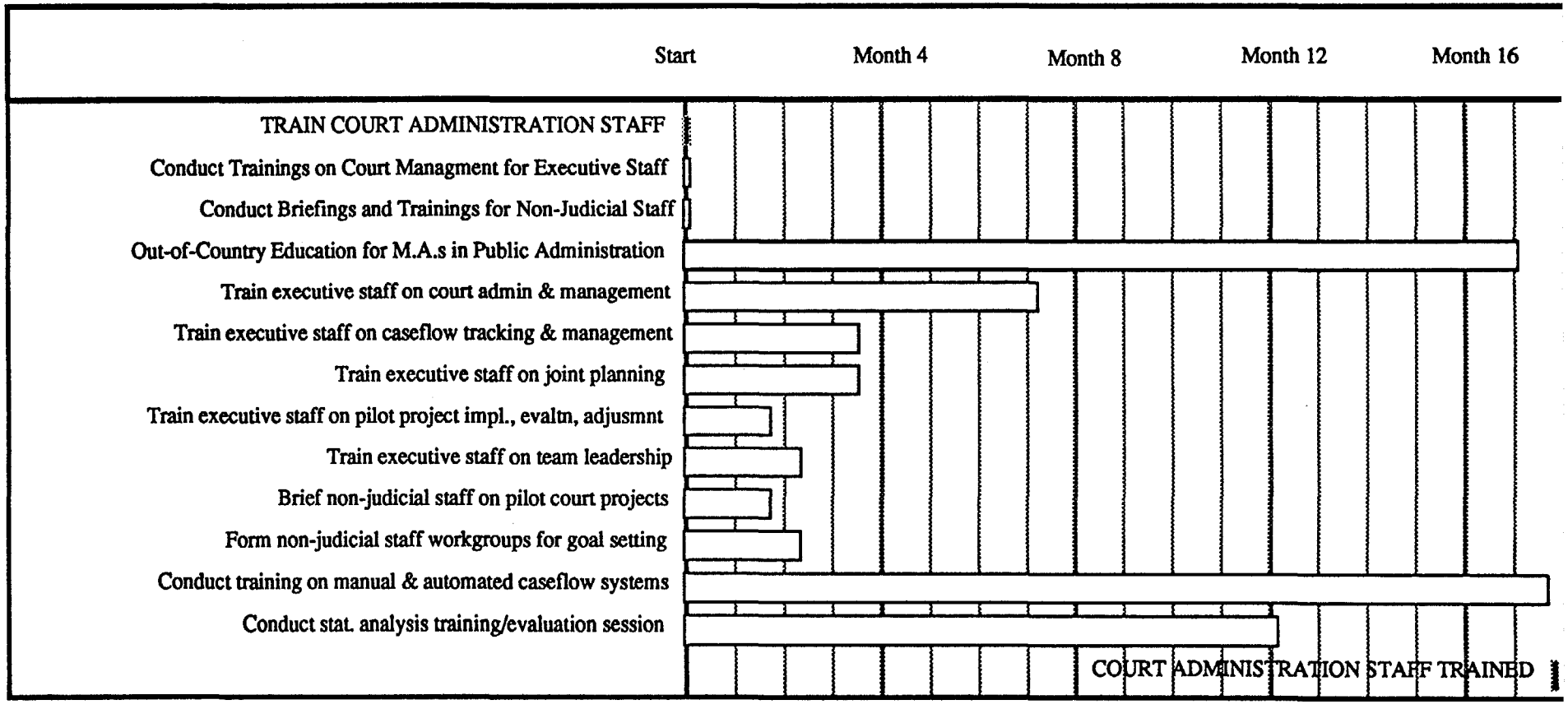
3) Timeline for Implementation Plan
Consolidate Administrative Tasks Under Common Clerk's Office



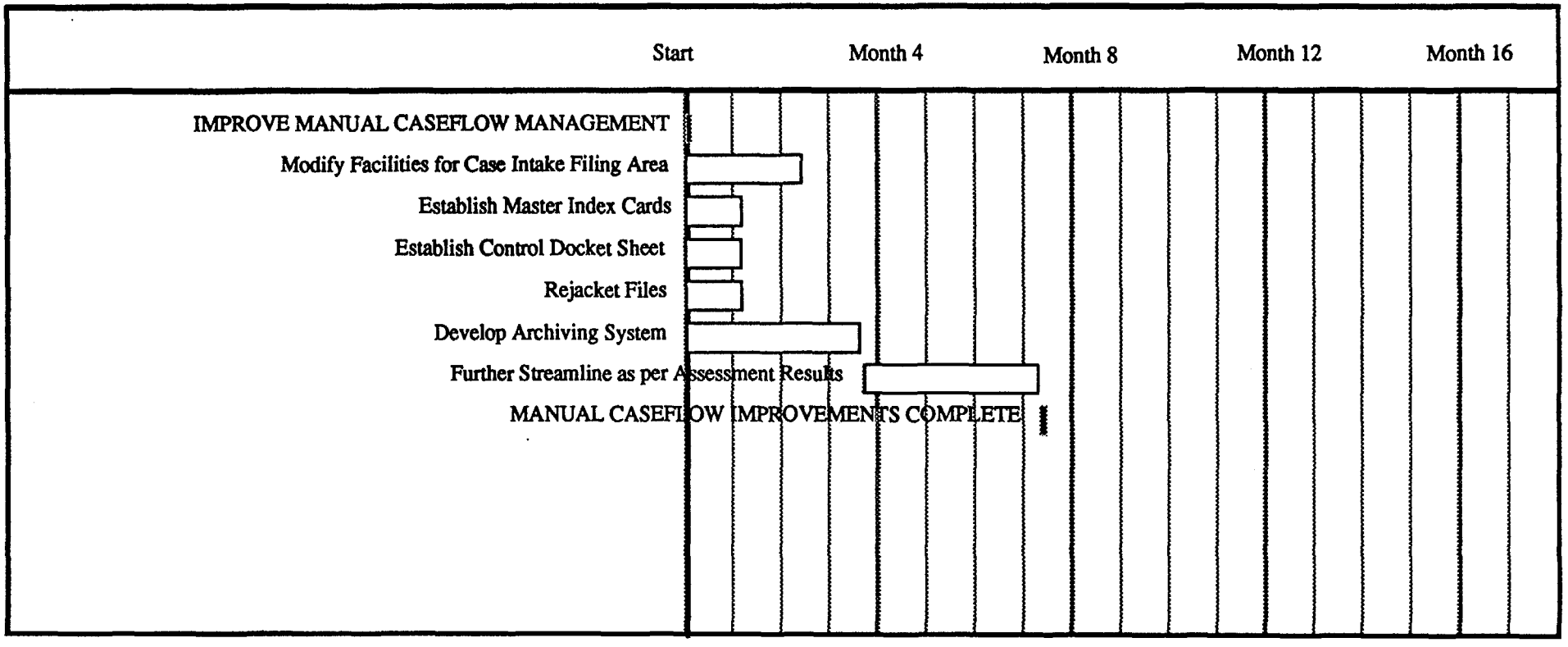
## 4) Timeline for Implementation Plan
## Establish Office of Regional Court Administration



## 5) Timeline for Implementation Plan
## Train Court Administration Staff



## 6) Timeline for Implementation Plan
## Improve Manual Caseflow Management



# Annex B
## Consolidated List of Recommendations

**1. The Supreme Court must provide authorization, based on recent amendments to the Judicial Organization Law, to implement a pilot court management system in Tarija.**

USAID/Bolivia should assist the chief and senior judges of the Tarija Superior Court to seek authorization from the Supreme Court -- through implementing regulations or policy decrees consistent with the recently enacted amendments to the Ley de Organizacion Judicial -- to implement actions proposed in this report for the pilot courts in Tarija. This should done as soon as possible to take advantage of the decentralization permitted under the amendments and to avoid the investment of time and resources on project design which could be disallowed by the Supreme Court. Furthermore, the legal authorization to establish an oficina del escalafón at each judicial center can be the basis for establishing the position of regional court administrator, albeit with another title such as director de la oficina regional del escalafón.

**2. A qualified professional should be hired as regional court administrator for the Tarija Superior Court.**

The Superior Court of Tarija must establish a position for a regional (district) court administrator who has not less than five years experience as a high level manager or administrator in the public or private sector. The candidate should be sent to one of several judicial administration training programs in the U.S. for a minimum of a basic (but preferably long term) judicial and court administration training course. If such training is not immediately available, outside technical assistance should provide for in-country court administration and court management basic orientation courses.

**3. A manual and subsequently, an automated central index system should be implemented.**

In order to provide quicker retrieval and more accurate case data, a manual central index system must be implemented as described in the section which details the recommended system. As soon as practicable, the manual system should be automated.

**4. The current rotational case assignment system should be changed to a random automated case weighted assignment system.**

The current case assignment system must be changed to a random automated case weighted assignment system to avoid the potential for "forum shopping," described in section II.B.4. above, and to provide for a more equitable distribution of workload. The recommended system is described in the implementation plan of this report.

**5. The present caseflow system should be streamlined and converted to an automated caseflow management system.**

The automated case assignment and caseflow management system, described in the section outlining the elements, inputs and data retrieval benefits of automated case processing, must be implemented to eliminate duplication of entries and provide for essential case progress data, as described in section II.B.5. and II.B.6., above. It must be emphasized that the present manual system must first be streamlined before proceeding to an automated program of case processing.

**6. All pending cases in the Tarija courts should be inventoried to establish reliable statistical baseline and to identify cases which can be purged.**

USAID/Bolivia should procure technical assistance to undertake a physical inventory of all pending case files in Tarija in accordance with the suggested inventory form attached as an annex to this report. The persons carrying out the physical inventory of pending cases also should analyze and make a record of the case processing steps in the Tarija courts. Duplication of records and unnecessary administrative handling should be identified for streamlining and documenting the most efficient and practical caseflow. The objectives of the physical inventory and analysis of case stages include the following:

(1) To identify cases which can be purged from a court's pending inventory to remove inactive cases from interfering with active pending cases;

(2) To establish a reliable case statistical baseline for future planning, budgeting and management purposes;

(3) To assign essential case numbers to each case;

(4) To provide research data to evaluate the mandated deadlines for case procedural events for possible legal reform recommendations for more practical deadlines; and,

(5) To determine the ages of all pending cases.

**7. A case numbering system should be implemented in the Tarija courts.**

The Chief Judge of the Tarija Superior District Court should order the installation of a manual case numbering system in the Tarija courts in order to reduce the time it takes to search for case files and to make case information more accessible. As a minimum, the case numbering system should consist of a total of eight alpha numeric digits as follows:

a. The first two digits should designate the year, i.e., 93;

b. The next digit is a letter designation for the type of case, e.g.:

(1) C= civil
(2) F= family
(3) P= criminal (penal)
(4) M= juvenile (menor)
(5) Other letters can be used for other *materias*

c. The next four digits should be used to number cases consecutively as they are filed and assigned. Thus 93C0067 is an example of the complete case number of the 67th civil case assigned during 1993.

A coordinator must be assigned by the chief judge in Tarija to begin preparing a single index card for each case filed with the court and assigned for adjudication. This master index card should be filed alphabetically by defendant and should include the case number, names of parties, offense charged or cause of action, date initially received and the court to which the case was assigned.

**8. The turno case assignment system should be replaced with a random case assignment procedure to avoid "judge-shopping" and institute equal workload distribution.**

A random case assignment system must be used in lieu of the current rotational *turno* system of assigning 10 cases to the *turno* court before rotation to the next *juzgado de turno*. If automation is not possible, a manual system of "blind" cards should be used. The "blind card" system may be implemented by preparing 25 cards for each *juzgado*. The cards of each juzgado are shuffled by case category and assigned to new cases with the side of the card holding the juzgado designation out of view to the court official making the case assignment. Another manual system could be substituted instead of the "blind card" system by placing 25 pieces of paper for each court in a container for random blind selection. If automation is available, a simple program can be made to establish decks to allow for randomness and also distribute cases equally by workload using previously determined individual case values.

**9. A docket sheet procedure should be instituted in the caseflow process for control purposes.**

Upon receipt of a new case assignment, each *juzgado* should initiate a paper case control docket sheet for cases proceeding under a manual case management system. If case tracking is done by automation, the case control docket sheet becomes an electronic docket sheet after the proper transition has proven that the automation of caseflow is accurate, timely and efficient in comparison to the manual system. The paper docket sheet should be of card thickness and should have preprinted data entry spaces for such items as the case file number, date filed, names of parties, nature of suit or offense for criminal cases. The docket sheet or *fichero* should also contain preprinted critical events with spaces for entries of dates when such events are completed in order to ascertain the status of each case by a mere review of the case control docket card and obviate the need to review the entire case file to determine its status with a resultant savings of critical judicial and administrative time. Sample U. S.

District Court docket sheets for manual and for automated docketing are attached as an annex to this report.

**10. All penal instrucción and partido courts and one civil instrucción and partido court should be designated as pilot project courts for automating the case tracking system.**

A pilot automated case tracking program should be established in a limited number of courts in Tarija to start. Later, all courts in Tarija should be incorporated into the automated case tracking system. The courts in which to begin should include: all *juzgados de instructión en lo penal, juzgados de partido en lo penal*, one *juzgado de instrucción en lo civil* and one *juzgado de partido en lo civil.* Technical assistance should be provided as indicated in the Implementation Plan of this report.

**11. Technical assistance should be provided through an local firm to establish a reliable and automated judicial statistical system.**

It is recommended that a local firm provide technical assistance to develop a judicial statistical system and to prepare manuals, forms and software programs to gather and report these statistics. The firm should assure that sufficient input is received from all possible entities in developing what statistics should be reported. Input should be obtained from the other justice sector agencies, police, national statistics office, universities, law school faculties, bar associations, private judicial, legal and sociological research entities, Legislative Branch and pertinent agencies of the Executive Branch. The firm selected should be qualified to accomplish all aspects of this very important recommendation from the development of what should be collected by the statistics clerk at each court to forms, written manuals, software, training, types of reports and how the information can be used to improve the administration of justice.

**12. Improved case file jackets should be used in place of the current file covers.**

(1) It is recommended that the present file folder be eliminated and replaced with a sturdier folder such as card stock file folders with Ansco type fasteners. These fasteners have a long life duration and retention of documents are more properly assured when the documents are punched with two holes at the top of the document and then placed within the metal clasp. This type of file folder allows better protection of the documents within, assures their retention in place and, eliminates the traditional procedure of sewing (cosido) each document in the folder; (2) It is recommended that USAID fund the purchase of a better and heavier stock of file jacket covers with metal fasteners for use in the Tarija District pilot courts for testing and evaluation for use in all Bolivian courts. Furthermore, it is recommended that these jackets be preprinted with appropriate lines to enter the case file number, names of defendant(s) and plaintiff(s), category of case (nature of offense for criminal, nature of suit for civil matters), filing date, dates of completion of critical events (detención, vista fiscal, indagatoria, clasificación de fianza, libertad provisional, suspension de libertad provisional, rebeldía, confesión, etc. The use of the aforementioned preprinted information on the face of

the file jacket would be useful for judges and other interested entities to determine quickly the status of each case without having to review all pleadings within the case file.

**13. Technical assistance should be provided to establish an effective records management system.**

Technical assistance should also be provided to develop a uniform records management program for the Tarija courts. The program should include the development of policies, procedures and a manual reflecting how often and what methods should be used to transfer closed files from the courts to the general archives. The technical assistance should also work with representative judges, secretarios, Executive Branch archives specialists, law school representatives, Legislative Branch specialists, historians and other pertinent professionals to develop a records management and disposition plan in order to eliminate the current practice of retaining most files. The plan should define standards for determining what records should be kept indefinitely and what type of records should be destroyed after a predetermined period. For example, in the case of a trial involving corruption by a high level official, the file probably would be archived permanently; in an aggravated assault case the file might be retained for 25 years; and, in a bad check case the plan might recommend elimination of the file after five years. The procedures adopted should be well documented and the guidance included in a records disposition manual for use by court staff; Technical assistance should also be provided to develop a software program for the general archives office to enable it to input all records received and to permit rapid retrieval of files when needed.

**14. Technical assistance should be provided for keeping track of defendants in custody.**

Technical assistance should be provided to the juzgado de vigilancia to enable it to develop an automated record of detained defendants -- no matter whether they have been tried, have prior convictions, or have defense counsel -- and to provide compliance follow-up on jail sentences.

**15. Outside technical assistance should be provided to establish the position of a regional court administrator at Tarija and to consolidate as many core administrative areas such as:**

- **a. Establish a single clerk's office;**
- **b. A central notifications center;**
- **c. A central archives and exhibits office;**

It is recommended that outside technical assistance be provided to guide and aid the Chief Judge of the Tarija Superior Court to:

- a. Establish the organizational structure of the regional judicial administrative infrastructure;
- b. Promote improved court administration;
- c. Enhance the benefits of decentralization;



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d. Streamline caseflow;
e. Establish and maintain improved case processing control procedures;
f. Consolidate the common core activities of each juzgado into single operational units for improved efficiency and economy by serving all courts in such areas as:
   (1) Establish a single clerk's office;
   (2) A central notifications office;
   (3) Central financial, accounting, budgeting and disbursements operations;
   (4) Effective safeguarding, control and management of archives and exhibits; and,
   (5) Supervise and monitor the pilot automation projects described in this report.

A recommended organizational chart for the regional court administrative support services is attached.

**16. Provide in-country training for the chief judges, other judicial officers, regional court administrators and administrative support personnel and out-of-country training on a longer range basis for development of professional court administrators.**

It is recommended that the training as described in this report be provided by outside technical assistance as follows:

a. In-country training for the executive component of the court (chief judge and the regional court administrator) on principles and practices of court management, court administration, caseflow tracking and management, team management, joint planning, pilot project implementation and analyses, evaluations and adjustments of pilot projects;

b. In-country orientation and training for court administrative support staff on goal setting, problem-solving, case tracking, improvement of caseflow and uses of automation with caseflow management and analyses;

c. Out-of-country in depth training for central office and regional court administrators for a master's degree in Public Administration with emphasis on court management and court administration.



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COMISION COORDINADORA DEL SECTOR JUSTICIA
PROYECTO DE REFORMA JUDICIAL II
UNIDAD TECNICA EJECUTORA

CUENTA /_/_/_/_/_/

LOCAL:/_/_/_/_/_/_/_/

SEGUIMIENTO DE JUICIOS - PAZ Y PRIMERA INSTANCIA /_/

CUESTIONARIO PARA : PENAL - TRANSITO - HACIENDA

---

DEPARTAMENTO _____ MUNICIPIO_____

---

J U Z G A D O :_____ /_/_/_/_/

No. de causa: _____

Año: _____

---

P71. Tipo de delito:_____
_____ /_/_/

---

P8. Naturaleza de la acción:
PENAL = 1 TRANSITO = 2 HACIENDA = 3 /_/

---

P9. FECHA DE INICIO : _ _ _ _ _ _

P100. FECHA DE INGRESO : _ _ _ _ _

P11. FECHA DE DETENCION : _ _ _ _ _ _

P12. FECHA DE EXCARCELACION: _ _ _ _ _ _

---

P13. Ultima diligencia judicial: _____
_____ /_/_/

---

P14. FECHA ULTIMA DILIGENCIA JUDICIAL: _ _ _ _ _ _

---

P15. Fecha de consulta de expediente : _ _ _ _ _ _

---

P16. Encuestador:_____ Supervisor:_____ /_/_/ /_/

C-SJP.DOC - 9/08/93

APPENDIX C

SAMPLE CASE INVENTORY SHEETS

COMISION COORDINADORA DEL SECTOR JUSTICIA
PROYECTO DE REFORMA JUDICIAL II
UNIDAD TECNICA EJECUTORA

CUENTA /_/_/_/_/_/

LOCAL: /_/_/ /_/_/_/_/

SEGUIMIENTO DE JUICIOS - PAZ Y PRIMERA INSTANCIA /_/

CUESTIONARIO PARA : CIVIL - MERCANTIL - HACIENDA(CIVIL)

---

DEPARTAMENTO _____ MUNICIPIO_____

---

J U Z G A D O :_____ /_/_/_/_/

No. de causa: _____

Año: _____

---

P72. Tipo de demanda: _____ /_/_/

---

P8. Naturaleza de la acción:
CIVIL = 4 MERCANTIL = 5 HACIENDA CIVIL= 6 /_/

---

P101. FECHA DE PRESENTACION DE LA DEMANDA : _ _ _ _ _ _

P102. FECHA DE INICIO DEL JUICIO : _ _ _ _ _ _

P106. FECHA DE CONTESTACION DE LA DEMANDA : _ _ _ _ _ _

---

P13: Ultima diligencia judicial: _____ /_/_/

---

P14. FECHA ULTIMA DILIGENCIA JUDICIAL: _ _ _ _ _ _

---

P15. Fecha de consulta de expediente : _ _ _ _ _ _

---

P16. Encuestador:_____ Supervisor:_____ /_/_/ /_/

C-SJC.DOC - 9/08/93

C-2

COMISION COORDINADORA DEL SECTOR JUSTICIA
PROYECTO DE REFORMA JUDICIAL II
UNIDAD TECNICA EJECUTORA

CUENTA /_/_/_/_/_/

LOCAL:/_/_/_/_/_/_/_/

SEGUIMIENTO DE JUICIOS - SEGUNDA INSTANCIA (APELACIONES) /_/

---

DEPARTAMENTO _____ MUNICIPIO_____

---

C A M A R A :_____ /_/_/_/_/

No. de causa: _____

Año: _____

---

P73. Tipo de recurso: _____ /_/_/

_____

---

P8. Naturaleza de la acción:

| | | |
|---|---|---|
| PENAL = 1 | TRANSITO = 2 | HACIENDA = 3 |
| CIVIL = 4 | MERCANTIL= 5 | LABORAL = 7 |
| | | INQUILINATO = 8 |

/_/

---

P103. FECHA DE ENVIO A LA CAMARA : _ _ _ _ _ _

P104. FECHA DE RECIBO DE LA CAMARA :_ _ _ _ _ _

P105. NUMERO DEL INCIDENTE : _____ /_/_/_/

---

P13: Ultima diligencia judicial o estado: _____ /_/_/

_____

---

P14. FECHA ULTIMA DILIGENCIA JUDICIAL O ESTADO : _ _ _ _ _ _

---

P15. Fecha de consulta de expediente : _ _ _ _ _ _

---

P16. Encuestador:_____ Supervisor:_____ /_/_/ /_/

C-3

C-SJCA DOC - 9/08/93

CRIMINAL DOCKET U.S. District Court

U.S. VS. (LAST, FIRST, MIDDLE)

☐ WRIT ☐ JUVENILE ☐ ALIAS

OFFENSE ON INDEX CARD

Felony ☐ Misd. ☐ Petty ☐ | District | Off | Assigned | Dep./Sentence | Judge/Magistr

Case Filed Mo Day Yr | No. of Def's | U.S. MAG. CASE NO. | Docket No. | Def

## I. CHARGES

U.S. TITLE/SECTION | OFFENSES CHARGED | ORIGINAL COUNTS | DISM | MG

SUPERSEDING COUNTS

## II. KEY DATE

INTERVAL ONE — KEY DATE — EARLIEST OF: ☐ arrest ☐ sum'ns ☐ custody ☐ appears—on complaint

END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL) — KEY DATE — APPLICABLE: ☐ indictment filed/unsealed ☐ consent to Magr. trial on complaint ☐ Information ☐ Felony-W/waiver

KEY DATE: a) ☐ 1st appears on pending charge /R40 b) ☐ Receive file R20/21 c) ☐ Supedg: ☐ Ind't ☐ Inf d) ☐ Order New trial e) ☐ Remand f) ☐ G/P Withdrawn

END INTERVAL TWO — KEY DATE — APPLICABLE: ☐ Dismissal ☐ Pled guilty ☐ Nole (☐ After N.G. ☐ After nol) ☐ Trial (voir dire) began ☐ Jury ☐ N.J.

| 1st appears with or waives counsel | ARRAIGNMENT | 1st Trial Ended | RE-TRIAL | 2nd Trial Began | DISPOSITION DATE | SENTENCE DATE | ☐ PTD ☐ Nolle Pros. | FINAL CHARGES DISMISSED ☐ on S.T. grounds ☐ W.P. ☐ WOP | on dis motio on go motio |
|---|---|---|---|---|---|---|---|---|---|

## III. MAGISTRATE

| | | DATE | INITIAL/NO. |
|---|---|---|---|
| Search Warrant | Issued | | |
| | Return | | |
| Summons | Issued | | |
| | Served | | |
| Arrest Warrant Issued | | | |
| COMPLAINT ▶ | | | |
| Date of Arrest | | OFFENSE (In Complaint) | |

INITIAL APPEARANCE DATE ▶

PRELIMINARY EXAMINATION OR ☐ REMOVAL HEARING — Date Scheduled ▶ / Date Held ▶

☐ WAIVED ☐ NOT WAIVED ☐ INTERVENING INDICTMENT

Tape Number

INITIAL/NO.

OUTCOME: ☐ DISMISSED ☐ HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT ☐ HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW

Show last names and suffix numbers of other defendants on same indictment/information:

RULE 20 21 40 In Ou

## IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

ATTORNEYS
U. S. Attorney or Asst.

Defense: 1 ☐ CJA. 2 ☐ Ret. 3 ☐ Waived. 4 ☐ Self. 5 ☐ Non / Other. 6 ☐ PD. 7 ☐ CD

APPENDIX D
SAMPLE MANUAL CRIMINAL
DOCKET SHEET

BAIL • RELEASE

PRE-INDICTMENT

Release Date | Bail Denied | Fugitive | Pers. Rec. | PSA | AMOUNT SET $ | Date Set | ☐ Bail Not Made | Date Bond Made | Conditions: 10% Dep. | Surety Bnd | Collateral | 3rd Prty | Other

POST-INDICTMENT

Release Date | Bail Denied | Fugitive | Pers. Rec. | PSA | AMOUNT SET $ | Date Set | ☐ Bail Not Made | Date Bond Made | Conditions: 10% Dep. | Surety Bnd | Collateral | 3rd Prty | Other

APPEALS FEE PAYMENTS

FINE AND RESTITUTION PAYMENTS ☐ Docket Entries Begin On Reverse Side

| DATE | RECEIPT NUMBER | C.D. NUMBER | DATE | RECEIPT NUMBER | C.D. NUMBER |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |

BEST AVAILABLE COPY

| Case Filed Mo. | Day |
| --- | --- |
| * | No. of Def's. |

U.S. MAG. CASE NO. ▶

DOCKET NUMBER

BEST AVAILABLE COPY

CRIMINAL DOCKET - U.S. District Court

PO ☐ Misd. ☐ Felony ☐

| District | Off | Assigned / Disp./Sentence | Judge/Magistr. |
|---|---|---|---|
| | | | |

☐ WRIT ☐ JUVENILE ☐ ALIAS

OFFENSE ON INDEX CARD ▶

U.S. VS. ●

(LAST, FIRST, MIDDLE)

Case Filed Mo. Day Yr.

No. of Def's ● U.S. MAG. CASE NO. ▶

Docket No. | Def.

I. CHARGES

| U.S. TITLE/SECTION | OFFENSES CHARGED | ORIGINAL COUNTS |
|---|---|---|
| | | |

II. KEY DATE

INTERVAL ONE

KEY DATE 1 — EARLIEST OF: ☐ arrest ☐ sum'ns ☐ custody ☐ appearance complaint

END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)

KEY DATE 2 — APPLICABLE: ❶ ☐ indictment filed/unsealed ❷ ☐ consent to Magr. trial on complaint ❷ ☐ Information ❸ ☐ Felony-Waiver

KEY DATE 3A / 3B: a) ☐ 1st appears on pending charge /R40 b) ☐ Receive file R20/21 c) ☐ Supedg: t ind t pl d) ☐ Order New trial e) ☐ Remand f) ☐ G/P Withdrawn

Transfer ☐ Return ☐

District No. (& Office No.)

Docket No. (& Defendant No.)

☐ New (1) ☐ Reopen (2) ☐ Rule 20 (3) ☐ Correction (4)

HOW PROCEEDING COMMENCED

RETRIAL { REMAND ☐ Ⓡ / MISTRIAL ☐ Ⓣ }

OTHER ☐

F.J.D.A. ☐ ❾

IV ATTORNEY

Defense: 1 ☐ CJA 2 ☐ Ret. 3 ☐ Waived 4 ☐ Self 5 ☐ None / Other 6 ☐ PD 7 ☐ CD

FORM COMPLETED BY:

FORM JS-2 CRIMINAL CASE OPENING REPORT

Mail to: Administrative Office, U.S. Courts, Washington, D.C. 20544

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42

This Section for Optional Use in District Court

| INTERVAL START DATE | VI (B) OCCURRENCE OF EXCLUDABLE DELAY | END DATE | TOTAL DAYS | LTR |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

ATTORNEYS IN CASE, ETC.

**IX EXCLUDABLE TIME DETAIL** (if net time exceeded 30/70 day limit)

INTERVAL EXCLUDABLE DAYS (Sec. VI of Docket)

| | Gross Days | (LETTER CODE) | | | | | | | | Sub Totals | Net Days |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | | | | | | | | | | | |
| 2 | | | | | | | | | | | |

(X) ____ Gross Days (Arrest to Trial) Excludable Days (Y) ____

(X)—(Y)=(Z) **TOTAL NET DAYS:** (Z) ____

PADDED JS-3A (12/80)

Mail to: SARD, Admin. Office, U.S. Courts, Washington, D.C. 20544

**X MISCELLANEOUS: A. Explanation or Comments Regarding Entries in Other Sections**

B. ____ ◄ Check Here If Any Motion to Suppress Evidence Was Filed By This Defendant In This Case.

## EXCLUDABLE DELAY

Ltr. Codes For 18 U.S.C. 3161(h)

A. Exam or hearing for mental/physical incapacity (28 USC 4244) [(1)(A)].
B. NARA exam (18 USC 2902) [(1)(B)].
C. State/Fed'l proceedings on other charges [(1)(D)].
D. Interlocutory appeal [(1)(E)].
E. Pretrial motion (from filing to hearing or to other prompt disposition [(1)(F)].
F. Transfer from other district per FRCrP 20, 21 or 40 or Mag Rule 6a [(1)(G)]
G. Proceedings under advisement, not to exceed 30 days, after all necessary submissions filed and hearings completed [(1)(J)].
H. Misc proceedings: arraignment, parole/ probation revocation, deportation, extradition [(1)].
*5. Deferral of prosecution (per 28 USC 2902) [(1)(C)].
6. Transportation from another district or to/from examination or hospitalization in 10 days or less [(1)(H)].
7. Consideration by court of proposed plea agreement [(1)(I)].
*I. Prosecution deferred by mutual agreement [(2)].
M. Unavailability of defendant or essential witness [(3)(A,B)].
N. Period of mental/physical incompetence of def to stand trial [(4)]
*O. Period of NARA commitment/treatment [(5)].
P. Superseding indictment and/or new charges [(6)].
R. Def awaiting trial of co-defendant when no severance has been granted [(7)].
T. Continuances granted per (h)(8) — use "T" alone if more than one of following reasons (T1 thru T4) is given in support of continuance [(8)(A,B)]
T1. Failure to continue would stop further proceedings or result in miscarriage of justice [(8)(B,i)].
T2. Case unusual or complex [(8)(B,ii)]
T3. Indictment following arrest cannot be filed in 30 days (8)(B,iii)].
T4. Continuance granted in order to obtain or substitute counsel or give reasonable time to prepare (8)(B,iv)].
U. Time up to withdrawal of guilty plea, 3161(i).
W. Grand jury indictment time extended 30 more days, 3161(b).
*SUBMIT JS-3

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43

This Section for Optional Use in District Court

| INTERVAL ● START DATE | ● VI (B) OCCURRENCE OF EXCLUDABLE DELAY | ● END DATE | ● TOTAL DAYS | ● LTR |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

ATTORNEYS IN CASE, ETC.

**IX EXCLUDABLE TIME DETAIL** (If net time exceeded 30/70 day limit)

| INTERVAL | Gross Days | (LETTER CODE) | Sub Totals | Net Days |
|---|---|---|---|---|
| 1 | | | | |
| 2 | | | | |

(X) ____ Gross Days (Arrest to Trial) Excludable Days (Y) ____

(X)—(Y)=(Z) TOTAL NET DAYS: (Z) ____

**X MISCELLANEOUS: A. Explanation or Comments Regarding Entries in Other Sections**

B. ____ ◄ Check Here If Any Motion to Suppress Evidence Was Filed By This Defendant In This Case.

PADDED JS-3A (12/80)
Mail to: SARD, Admin. Office, U.S. Courts, Washington, D.C. 20544

## EXCLUDABLE DELAY

Ltr. Codes For 18 U.S.C. 3161(h)

A. Exam or hearing for mental/physical incapacity (28 USC 4244) [(1)(A)].
B. NARA exam (18 USC 2902) [(1)(B)].
C. State/Fed'l proceedings on other charges [(1)(D)].
D. Interlocutory appeal [(1)(E)].
E. Pretrial motion (from filing to hearing or to other prompt disposition [(1)(F)].
F. Transfer from other district per FRCrP 20, 21 or 40 or Mag Rule 6a [(1)(G)].
G. Proceedings under advisement, not to exceed 30 days, after all necessary submissions filed and hearings completed [(1)(J).
H. Misc proceedings: arraignment, parole/ probation revocation, deportation, extradition [(1)].
*5. Deferral of prosecution (per 28 USC 2902) [(1)(C).
6. Transportation from another district or to/from examination or hospitalization in 10 days or less [(1)(H)].
7. Consideration by court of proposed plea agreement [(1)(I)].
*I. Prosecution deferred by mutual agreement [(2)].
M. Unavailability of defendant or essential witness [(3)(A,B)].
N. Period of mental/physical incompetence of def to stand trial [(4)].
*O. Period of NARA commitment/trastment [(5)].
P. Superseding indictment and/or new charges [(6)].
R. Def awaiting trial of co-defendant when no severance has been granted [(7)].
T. Continuances granted per (h)(8) — use "T" alone if more than one of following reasons (T1 thru T4) is given in support of continuance [(8)(A,B)].
T1. Failure to continue would stop further proceedings or result in miscarriage of justice [(8)(B,i)].
T2. Case unusual or complex [(8)(B,ii)].
T3. Indictment following arrest cannot be filed in 30 days (8)(B,iii)].
T4. Continuance granted in order to obtain or substitute counsel, or give reasonable time to prepare (8)(B,iv)].
U. Time up to withdrawal of guilty plea, 3161(i).
W. Grand jury indictment time extended 30 more days, 3161(b).
*SUBMIT JS-3

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44

DISTRICT LOCATION NO. } USE STANDARD CODE
OFFICE NUMBER
ORIGIN OF CASE (See JS-44)
JURISDICTION (See JS-44)
NATURE OF SUIT (See JS-44)
DIVERSITY (See JS-44)
RULE 23
JURY DEMAND (P D. or Blan

| DISTRICT | OFF. | DOCKET NO. YR. | NUMBER | OR | FILING DATE MO. | DAY | YR. | J | NATURE SUIT | DIV. | | R 23 | $ DEMAND THOUSANDS | JUDGE | MAG. | COUNTY | JURY DEM. | DOCKET YR. | NUMBER |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | | | | | |

PLAINTIFFS

DEFENDANTS

CAUSE
(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

ATTORNEYS

APPENDIX E

SAMPLE OF CIVIL DOCKET SHEET

| CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS | FILING FEES PAID | | | STATISTICAL CARDS | |
|---|---|---|---|---|---|
| | DATE | RECEIPT NUMBER | C.D. NUMBER | CARD | DATE MAILED |
| | | | | JS-5 | |
| | | | | JS-6 | |

UNITED STATES DISTRICT COURT DOCKET

BEST AVAILABLE COPY

DC-111 (Rev. 8/8

45

| DISTRICT | OFF. | DOCKET NO. YR. | NUMBER | OR | FILING DATE MO. | DAY | YR. | J | NATURE SUIT | DIV. PTF | DIV. DEF | R 23 | $ DEMAND THOUSANDS | JUDGE | MAG. | COUNTY |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | | |

**PLAINTIFFS** | **DEFENDANTS**

**CAUSE**
**(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)**

JS-5 (Rev. 8/87) Mail to: Statistical Analysis and Reports Division, Administrative Office of the U.S. Courts, Washington, D.C. 20544

| DISTRICT | OFF. | DOCKET NO. YR. | NUMBER | OR | | R 23 | | JUDGE | MAG. | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | TERMINATION DATE MO. DAY YR. | | | | | |

**I – PROCEDURAL PROGRESS AT TERMINATION**

**Before Issue Joined**

**Code**

01 ☐ No Court Action
02 ☐ Order Entered
11 ☐ Hearing Held
12 ☐ Motion Decided

**After Issue Joined**

**Code**

03 ☐ No Court Action
04 ☐ Judgment on Motion
05 ☐ Pre-trial Conference Held
06 ☐ During Court Trial
07 ☐ During Jury Trial
08 ☐ After Court Trial
09 ☐ After Jury Trial
10 ☐ Other

**II – DISPOSITION**

**Code**

00 ☐ Transfer to Other District
10 ☐ MDL Transfer
01 ☐ Remanded to State Court
11 ☐ Remanded to U.S. Agency

**Dismissed**

02 ☐ Want of Prosecution
03 ☐ Lack of Jurisdiction
12 ☐ Voluntarily
13 ☐ Settled
14 ☐ Other

**Judgment On:**

04 ☐ Default
05 ☐ Consent
06 ☐ Motion Before Trial
15 ☐ Award of Arbitrator
16 ☐ Trial De Novo After Arbitration
07 ☐ Jury Verdict
08 ☐ Directed Verdict
09 ☐ Court Trial
17 ☐ Other
18 ☐ Statistical Closing

**III – NATURE OF JUDGMENT**

**Code**

0 ☐ No Monetary Award
1 ☐ $_____ Only
Nearest $1,000
2 ☐ $_____ And Other
Nearest $1,000
3 ☐ Injunction
4 ☐ Forfeiture, Foreclosure, Condemnation, Etc.
5 ☐ Costs Only
6 ☐ Costs and Attorney Fees

**IV – JUDGMENT FOR:**

1 ☐ Plaintiff
2 ☐ Defendant
3 ☐ Both

**V – PROCEDURAL DATES**

| | MO. | DAY | YR. |
|---|---|---|---|
| 1. Date Issue Joined | | | |
| 2. Pretrial Conf. | | | |
| 3. Trial Begin | | | |
| 4. Trial End | | | |

JS-6 (Rev. 1/87)

| DISTRICT | OFF. | DOCKET NO. YR. | NUMBER | OR | | R 23 | | JUDGE | MAG. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | TERMINATION DATE MO. DAY YR. | | | | |

**I – PROCEDURAL PROGRESS AT TERMINATION**

**Before Issue Joined**

**Code**

01 ☐ No Court Action
02 ☐ Order Entered
11 ☐ Hearing Held
12 ☐ Motion Decided

**After Issue Joined**

**Code**

03 ☐ No Court Action
04 ☐ Judgment on Motion
05 ☐ Pre-trial Conference Held
06 ☐ During Court Trial
07 ☐ During Jury Trial
08 ☐ After Court Trial
09 ☐ After Jury Trial
10 ☐ Other

**II – DISPOSITION**

**Code**

00 ☐ Transfer to Other District
10 ☐ MDL Transfer
01 ☐ Remanded to State Court
11 ☐ Remanded to U.S. Agency

**Dismissed**

02 ☐ Want of Prosecution
03 ☐ Lack of Jurisdiction
12 ☐ Voluntarily
13 ☐ Settled
14 ☐ Other

**Judgment On:**

04 ☐ Default
05 ☐ Consent
06 ☐ Motion Before Trial
15 ☐ Award of Arbitrator
16 ☐ Trial De Novo After Arbitration
07 ☐ Jury Verdict
08 ☐ Directed Verdict
09 ☐ Court Trial
17 ☐ Other
18 ☐ Statistical Closing

**III – NATURE OF JUDGMENT**

**Code**

0 ☐ No Monetary Award
1 ☐ $_____ Only
Nearest $1,000
2 ☐ $_____ And Other
Nearest $1,000
3 ☐ Injunction
4 ☐ Forfeiture, Foreclosure, Condemnation, Etc.
5 ☐ Costs Only
6 ☐ Costs and Attorney Fees

**IV – JUDGMENT FOR:**

1 ☐ Plaintiff
2 ☐ Defendant
3 ☐ Both

**V – PROCEDURAL DATES**

| | MO. | DAY | YR. |
|---|---|---|---|
| 1. Date Issue Joined | | | |
| 2. Pretrial Conf. | | | |
| 3. Trial Begin | | | |
| 4. Trial End | | | |

JS-6 (Rev. 1/87)

COURT COPY

U.S. District Court
for the District of New Mexico (Albuquerque)

CRIMINAL DOCKET FOR CASE #: 93-CR-348-ALL

USA v. Varela
Dkt# in other court: None

Filed: 07/08/93

Case Assigned to: Judge James A. Parker

JOSE CARLOS VARELA (1)
defendant

Thomas B. Jameson, Esq.
[COR LD NTC cja]
Tova Indritz, Esq.
[COR LD NTC pda]
Federal Public Defender's Office
PO Box 449
Albuquerque, NM 87103
(505) 766-3293

Pending Counts:

Disposition

21:841(a)(1) & 21:841(b)(1)(C)
POSSESSION WITH INTENT TO DISTRIBUTE LESS THAN 500 GRAMS OF COCAINE
(1)

21:841(a)(1) & 21:841(b)(1)(C)
DISTRIBUTION OF LESS THAN 500 GRAMS OF COCAINE
(2)

Offense Level (opening): 4

Terminated Counts:

NONE

APPENDIX F

Complaints:

NONE

SAMPLE ELECTRONIC DOCKET SHEET

U. S. Attorneys:

Presiliano Torrez, Esq.
[COR LD NTC ret]
US Attorney's Office



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Proceedings include all events.
1:93cr348-ALL USA v. Varela

District of New Mexico
PO Box 607
Albuquerque, NM 87103
(505) 766-3341



50

| | | |
|---|---|---|
| 7/8/93 | 1 | INDICTMENT by USA Presiliano Torrez. Counts filed against Jose Carlos Varela (1) count(s) 1, 2 (rw) [Entry date 07/14/93] |
| 7/8/93 | -- | ARREST Warrant issued for Jose Carlos Varela (rw) [Entry date 07/14/93] |
| 7/14/93 | 2 | MOTION for writ of habeas corpus ad prosequendum by USA as to Jose Carlos Varela (bl) [Entry date 07/15/93] [Edit date 07/20/93] |
| 7/16/93 | 3 | ORDER by Judge James A. Parker granting motion for writ of habeas corpus as prosequendum by USA as to Jose Carlos Varela (cc: all counsel & 2 cc to USM) (bl) [Entry date 07/19/93] |
| 7/16/93 | -- | WRIT of Habeas Corpus Ad Prosequendum issued for appearance of deft Jose Carlos Varela on 7/22/93 before the U.S. Magistrate for arraignment. (bl) [Entry date 07/19/93] |
| 7/21/93 | 4 | ORDER by Magistrate William Deaton appointing FPD as counsel for deft Jose Carlos Varela, arraignment scheduled for 7/22/93 at 9:30 a.m. (cc: all counsel) (bl) [Entry date 07/21/93] |
| 7/22/93 | 5 | CLERK'S MINUTES before Magistrate William Deaton first appearance of Jose Carlos Varela on Indictment , deft arraigned; not guilty plea entered; Attorney Thomas B. Jameson present;, case assigned to Judge James A. Parker; OHR and motions by 8/11/93; discovery order distributed; deft to remain in custody, stopped XM Tape #: 1103B #2 (bl) [Entry date 07/23/93] |
| 7/22/93 | 6 | ORDER by Magistrate William Deaton regarding discovery (cc: all counsel) (bl) [Entry date 07/23/93] |
| 7/30/93 | 7 | Arrest Warrant returned executed as to Jose Carlos Varela 7/21/93 (bl) [Entry date 07/30/93] |
| 8/4/93 | 8 | NOTICE of Hearing. A call of the calendar is scheduled for 9/9/93 at 4:00 p.m. for the calendar of 9/13/93 before Judge Jame A. Parker (cc: all counsel/CLERK cb) (bl) [Entry date 08/04/93] |
| 8/5/93 | 9 | MOTION to set conditions of release by Jose Carlos Varela (bl) [Entry date 08/06/93] |

DISC REFER
MTNDDL

U.S. District Court
for the District of New Mexico (Albuquerque)

CIVIL DOCKET FOR CASE #: 93-CV-318

Fuchs, et al v. Bernalillo County, et al — Filed: 03/12/93
Assigned to: Judge James A. Parker — Jury demand: Plaintiff
Referred to: Magistrate William Deaton
Demand: $0,000 — Nature of Suit: 710
Lead Docket: None — Jurisdiction: Federal Question
Dkt# in other court: None

Cause: 29:201 Fair Labor Standards Act

ROSA L FUCHS
plaintiff

John L. Hollis, Esq.
[COR LD NTC ret]
Kool, Kool & Hollis
1516 San Pedro, NE
Albuquerque, NM 87110
(505) 266-7841

v.

BERNALILLO COUNTY DEMOCRATIC PARTY, INC., a New Mexico corporation
defendant

Jeff Romero, Esq.
[COR LD NTC ret]
Romero Law Offices
804 Fifth Street, NW
Albuquerque, NM 87102
(505) 242-9000

ART TRUJILLO, Chairman, Bernalillo County Democratic Party, Inc.
defendant

Jeff Romero, Esq.
(See above)
[COR LD NTC ret]

APPENDIX G

SAMPLE G - SAMPLE CIVIL DOCKET SHEET



(ELECTRONIC)

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| | | |
|---|---|---|
| 3/12/83 | 1 | COMPLAINT FOR UNPAID MINIMUM WAGES AND OVERTIME (4 Summons(es) issued) (referred to Magistrate William Deaton) (is) [Entry date 03/15/93] |
| 3/19/93 | 2 | NOTICE by plaintiff Rosa L Fuchs of filing consent authorizing attorney John L. Hollis to represent her in a wage and hourly claim. (bl) [Entry date 03/22/93] |
| 3/23/93 | 3 | ENTRY OF APPEARANCE for Art Trujillo, Bernalillo County Democratic Party by Jeff Romero (bl) [Entry date 03/24/93] |
| 4/8/93 | 4 | RETURN OF SERVICE of summons and complaint executed upon defendant Art Trujillo on 3/22/93 (bl) [Entry date 04/09/93] |
| 4/9/93 | 5 | RETURN OF SERVICE of summons and complaint executed upon defendant Bernalillo County Democratic Party, Inc., on 3/22/93 (bl) |
| 4/9/93 | 6 | ANSWER by defendants with affirmatve defenses [1-1] (bl) [Entry date 04/12/93] |
| 4/9/93 | 7 | ENTRY OF APPEARANCE for defendants by Jeff Romero (bl) [Entry date 04/12/93] |
| 4/12/93 | 8 | DEMAND for jury trial by plaintiff Rosa L Fuchs (bl) [Entry date 04/13/93] |
| 4/14/93 | -- | LETTER to counsel from Magistrate Deaton tha a Rule 16 Scheduling Conference will be held on 5/26/93 at 3:30 p.m. (bl) [Entry date 04/16/93] |
| 4/15/93 | 9 | CERTIFICATE by plaintiff of service of request for production and request for admission to counsel on 4/14/93 (bl) [Entry date 04/16/93] |
| 5/13/93 | 10 | MOTION for Extension of time until 5/24/93 to respond to request for production and request for admission (bl) [Entry date 05/14/93] |
| 5/19/93 | 11 | ORDER by Magistrate William Deaton granting deft's motion for extension of time until 5/24/93 to respond to request for admissions. [10-1] (cc: all counsel) (bl) |
| 5/24/93 | 12 | CERTIFICATE by defendants of response to request for admissions to counsel on 5/24/93 (bl) [Entry date 05/25/93] |
| 5/24/93 | 13 | CERTIFICATE by defendants of service of response to request for production to counsel on 5/24/93 (bl) [Entry date 05/25/93] |
| 5/26/93 | -- | A scheduling conference was held before Magistrate Deaton on 5/26/93 (bl) [Entry date 05/27/93] |

| | | |
|---|---|---|
| 5/27/93 | -- | LETTER to counsel from Magistrate Deaton that a settlement conference is scheduled for 7/28/93 at 2:00 p.m. (bl) |
| 6/1/93 | 14 | INITIAL PRE-TRIAL REPORT Judge James A. Parker & Magistrate Judge Deaton; Discovery set for 9/24/93; mtn filing ddl set for 10/25/93; proposed pretrial order due 12/8/93; Estimated # of Trial Days: two (2); Chances of Settlement: Poor (cc: counsel of record) (pr) |
| 7/7/93 | 15 | NOTICE by pltf to take deposition of Linda Olmsted on 7/21/93 (is) [Entry date 07/08/93] |
| 8/3/93 | -- | LETTER to counsel from Magistrate William Deaton that a settlement conference scheduled for 8/3/93 is vacated and has been reset for 9/3/93 at 10:30 a.m. (bl) [Entry date 08/04/93] |
| 8/13/93 | -- | LETTER to counsel from Magistrate William Deaton advising that the settlement conference scheduled for 9/3/93 is vacated and rest for 9/29/93 at 2:00 pm. (bl) [Entry date 08/16/93] |



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## Annex H
### List of Persons Interviewed

| | |
|---|---|
| Dr. Guillermo Arancibia | Supreme Court Justice for Department of Tarija |
| Dra. María Luisa Pacheco de Morales | Presiding Judge, Department of Tarija Superior Court |
| Dr. Jaime Terán | Tarija Superior Court Judge |
| Dr. Edgar Ortíz | Tarija Superior Court Judge |
| Dr. Luis Arce | Tarija Superior Court Judge |
| Dr. Edgar Azurdoy | Tarija Superior Court Judge |
| Dr. Ramón Cortéz | Tarija Superior Court Judge |
| Dra. Susana Auad | Secretaria Cámara Sala Penal |
| Dr. Rubén Sossa | Judge - Juzgado de Instrucción 2do Penal |
| Dr. Walter Raña | Judge - Juzgado de Instrucción 4to Civil |
| Dra. Ana M. Krebber | Judge - Juzgado 1ro. de Familia |
| Dra. María del Carmen Arellano | Judge - Juzgado de Vigilancia |
| Srta. Gilda Peñaloza | Secretaria |
| Srta. Viviana Torres | Secretaria |
| Sr. Freddy Molina | Auxiliar |
| Srta. Valeria Gutiérrez | Secretaria |
| Srta. Socorro Rossel | Secretaria |

# Annex I
## List of Documents Reviewed

1. "Sistema de Seguimiento de Causas"- Corte Superior de Santa Cruz. By: Juan Carlos Muñoz Rosas and Josefina Cutiño García

2. Flujograma del informe "Estudio del Funcionamiento del Sistema Penal in Bolivia" By: Ilanud/Bolivia March 1992.

3. Gaceta oficial de Bolivia - Año XXXIII, Nro.1777, La Paz, Bolivia. "Ley de Organización Judicial."

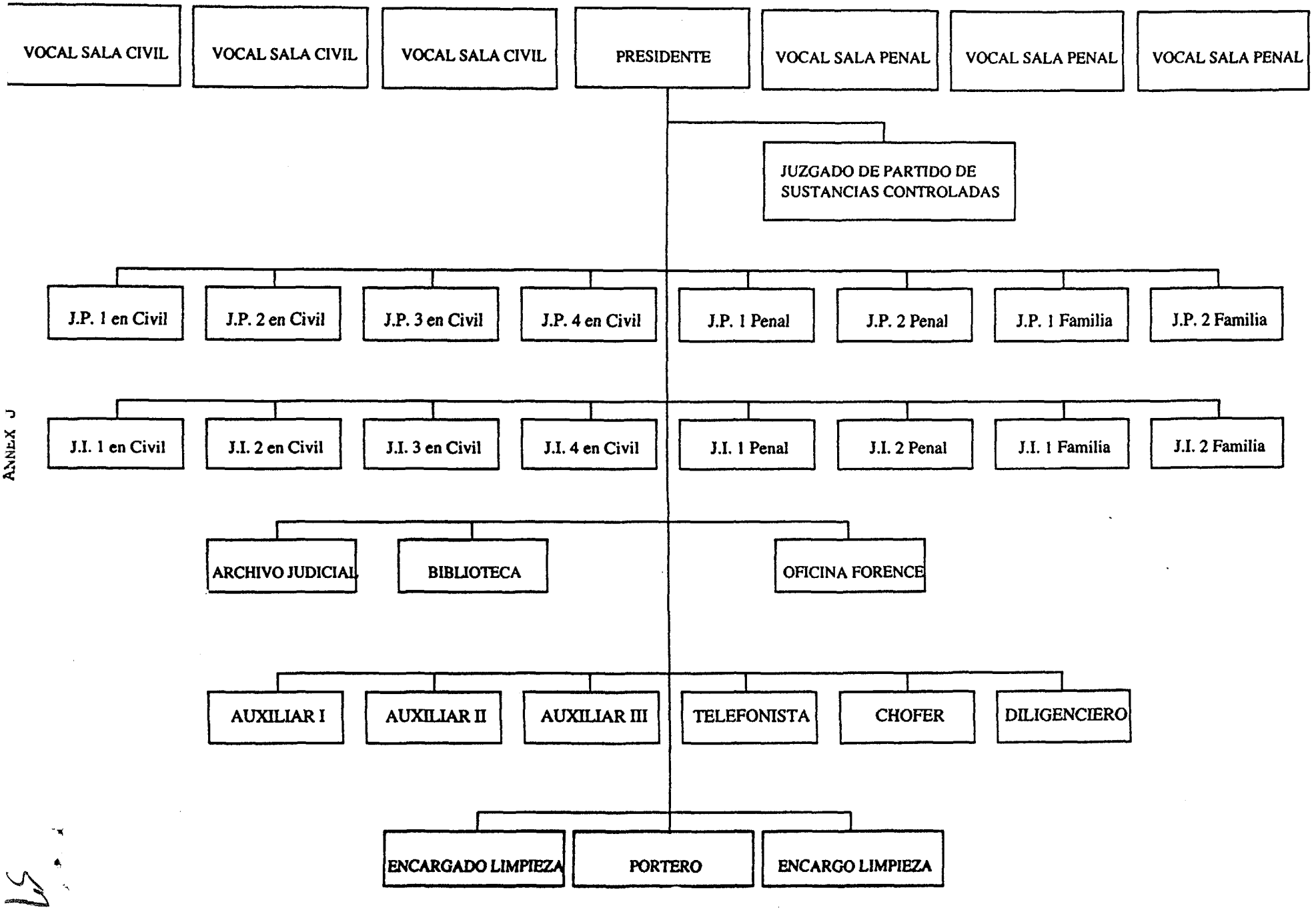
4. USAID/Bolivia Project Status Report - October 1, 1992 - March 31, 1993.

5. Tarija District Judicial Statistics Reports.

6. "Proposal for Establishing a Court Pilot Project for Modern Court Administration in Bolivia" By: Jesse Cassaus and Henryk Montygierd-Loyba.

7. "1992 Latin American Legal Exchange Program, Sucre/Santa Cruz, Bolivia - July 1992" By Stephen A. Mayo.

# ORGANIGRAMA DEL DISTRITO JUDICIAL DE TARIJA




ANNEX J