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Administration of Justice Support Project (AOJS)

Conceptual Design

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Conceptual Design

The interaction of litigants and attorneys with court staff is an integral part of the caseflow process. Therefore, it is essential that the AOJS caseflow design take account the significant role this activity plays in the handling of cases. The project has made an analysis of the current interface between the public and court staff and the various problems that exist that negatively impact caseflow and public confidence in the judicial system. These processes and problems follow:

CURRENT PROCESSES AND PROBLEMS

The following problems have emerged as key elements of the public interface that impede efficient caseflow and affect public confidence:

- 1 Case initiation, document filing, financial transactions, requests for information, and transporting documents between court offices, takes more time and effort than is necessary.
- 2 Case information required for efficient case processing is not uniformly required or collected by the court.
- 3 Case files and documents are not secure.
- 4 Court staff can exert their power over litigants and case flow to require favors from the litigants.

- 1 Case initiation, document filing, financial transactions, requests for information, and transporting documents between court offices, takes more time and effort than is necessary.

Public access to the entire building causes crowding, noise, disruption to working staff, and is an inconvenience to the court user. At the current time a litigant (or attorney) arriving at the court to file a new case is required to meet with as many as eight different clerks in separate offices throughout the court building. In general, each clerk is assigned one and only one job and responsibility. Therefore, a single logical transaction that involves multiple actions, requires multiple interactions with different clerks in different rooms, often on different floors of the building. At each clerk, the litigant usually finds a large group of other people also vying for that clerk's attention for similar transactions. There is no order or queuing. The clerk's work space and materials (fee schedules, ledgers, receipt books, cash drawers, calendars, etc.) are not equipped or organized for efficient use. Therefore, the time required for the litigant to discover the specific procedure required, locate the clerks involved in the procedure, and compete for the attention of the clerks is often hours spent in dirty, chaotic rooms, leaving the impression of a lack of professionalism in the court. This type of interaction is repeated over and over again throughout the life of a case whenever a litigant comes to the court to deliver documents or inquire for information.

- 2 Case information required for efficient case processing is not uniformly required or collected by the court.

Case initiation and fee assessment is difficult because the writ of service (WOS) is not required in a uniform format and is presented to the courts according to the pleasure of the litigants. The WOS may

contain only minimum information and may contain wrong information (intentional or accidental) The court does not insist on its right to require WOS information as defined in the civil procedures manual Case fee assessment is difficult because of a complex procedure and formula for calculating the fee amount Current and correct addresses for plaintiffs and defendants are not required Cases are undervalued to avoid initial fees Duplicate cases are filed when litigants are not happy with judge assignments or decisions Documents required to prepare the case for judgment are not required or collected in order for the court to control the case but are submitted at the discretion of the litigants Cases cannot be quickly brought to judgment because the required information, documents and activities (hearing, service and expert opinions) are not defined collected and enforced

3 Case files and documents are not secure

There is a public perception that documents delivered to the court may be lost, destroyed or damaged Fees are collected for microfilming of documents but many are not microfilmed As a result, the microfilm process as a backup set of case documents in case of loss, damage or destruction is not working Case files are not indexed not organized and not bound Documents are not delivered to the court to be copied and inserted into case files through a uniform procedure Case files and documents are not controlled in a secure manner to ensure that either the public or clerks do not tamper them with Cases cannot be brought to judgment until all the necessary documents are collected Cases cannot be identified as complete when the case file is unorganized or litigants are unwilling to trust the court with important documents until the last minute

4 Court staff can exert power over litigants and case flow to require favors from the litigants

Most litigants initially enter the court building ignorant of case filing and processing procedures and how to use the building and the staff The court's staff has become empowered to require favors or services from the litigants because they can take advantage of the litigant's lack of knowledge of processes and rules Litigants can be made to feel that they must encourage clerk staff to process their requests promptly or to ensure that their cases are treated impartially by the clerks Court staff have modified court practices to require the litigants to do work that the court should properly perform (i.e. transport the documents through the workflow process) Litigants should feel that the clerk staff will treat them professionally and impartially Without this feeling of equality they will suspect the fairness of the justice rendered

Accordingly, these and other problems will be dealt with in the recommendations for action in connection with reform of the interactions between the public and court clerk staff

OBJECTIVES FOR IMPROVEMENT

As a result of the analysis set forth above the following objectives have been established by the AOJS project in connection with the reform of the Public interface and document management process These are listed in order of importance

- 1 Improve the public's perception of the court
- 2 Reduce the labor and complexity in performing routine case related transactions
- 3 Require the client to submit all required information and forms
- 4 Create an organized and readable case file folder
- 5 Create restricted public access to some areas and staff in the court

1 Improve the public's perception of the court

The court should represent an institution that is fair, where all men are treated equally regardless of their social or economic status and that disputes can be settled without conflict or violence. To provide equal and fair treatment all procedures in the courts should be well defined and consistent not subject to modification by individuals involved in doing these tasks. The rules and procedures should be easily known to anyone using the court so that they can demand their rights if necessary. The clerk staff should project a knowledgeable and professional image. The clerk staff provides services to court users and should treat court users with respect and deference. The court facility should be kept clean, orderly and secure. When the public enters the court they should feel confident that their documents are safe and that they are entrusting their cases to knowledgeable and interested custodians.

2 Reduce the labor and complexity in performing routine case related transactions

Public interactions with the court are primarily to initiate a new case, deliver documents to a case, get information about a case, pay or receive money, or attend a hearing. These are simple activities that should require little time and effort. The complex tasks are those required by the clerk and administrative staff in managing the documents, information and money they are entrusted with. Much of the time, labor and complexity is related to disorganization of work area, work materials and the flow of work through the individuals required to complete a task.

3 Require the client to submit all required information and forms

Specific requirements should be adopted that will result in information being submitted to the court in a standard, organized manner. Form books and templates for documents necessary to case initiation and follow-up filings should be created and made available to litigants and attorneys. Attorneys and their staffs should be trained in the use of these forms and templates and should be encouraged to comply. Failure to provide information to the court in an appropriate manner should result in the rejection of the document. Continued failure to adopt and use required formats should result in disciplinary action.

4 Create an organized and readable case file folder

A single point of entry of documents to cases must be defined. Case files must be organized to receive and store the documents. The documents must remain secure during their custody in the court. Case materials should be placed in file folders in a required order and secured in the file with appropriate fasteners. Documents should be of a standard size and either typed or printed to insure legibility. Once filed documents should be required to remain in the file without exception. Photocopying of files should be done only by clearly designated court staff to insure integrity and security in the process.

5 Create restricted public access to some areas and staff in the court

The amount of people traffic in the court building and interference with court staff must be reduced in order to improve staff efficiency and the work environment. In order to accomplish this it will be necessary to re-define some of the existing processes to remove the necessity of litigants and attorneys interacting with multiple court staff members in multiple locations. The flow of work should be such that a single point of contact with selected designated staff members should be sufficient to accomplish all court filings and requests for information.

SPECIFIC RECOMMENDATIONS AND ALTERNATIVES

1 Public Perception

- Facilities should be clean tidy and orderly at all times A specific plan should be adopted by the court to require regular maintenance of all court facilities and staff training should emphasize the importance of keeping the workplace clean
- Smoking by employees while on the job should be prohibited Smoking areas should be provided outside of public areas and employees should be required to utilize such areas on regular break periods The throwing of cigarette butts on the floors of the court facilities should not be tolerated
- Court staff should be trained on courteous response to the needs of the public Staff performance in this regard should be monitored and continued lack of courtesy and respect to the public should be cause for disciplinary action
- Rules of procedure for all activities involving the public should be published in detail in materials available to the public at the information desk In addition basic procedures should be posted in prominent places in the public access area of the court
- All court staff interacting with the public should be required to dress and groom appropriately in a manner so as to present a professional image

2 Reduction of redundant procedures

- Procedures for case initiation and subsequent filings should be redesigned in such a way as to reduce the number of steps to the absolute lowest number consistent with appropriate record creation and integrity of the process
- Wherever possible multiple tasks should be assigned to a single individual to minimize the amount of staff coming into contact with litigants, attorneys or other members of the public
- Wherever possible, staff tasks should be defined in detail in procedural "checklists" Staff should be trained on these "checklist" procedures and required to follow them without deviation except with specific authority

3 Information submission

- AOJS will create standardized forms templates and document submission requirements These requirements will be developed into checklists to be provided to the litigants and clerks to ensure compliance with submission requirements

- The MOJ should establish a committee for ongoing review/revision of standard forms templates and documents to maintain the forms and checklists developed during the life of the project
- Training programs should be established for court staff attorneys and law office staff on the use of such standard instruments
- Standard instruments should be made available to pro-se litigants at the court information desk and trained staff should be available to assist in proper completion of all such documents
- Microfilm as a document backup media and paper archive substitute should be replaced by electronically scanned and stored images as soon as feasible. The electronic archive equipment operating software application software, and procedures will be provided by the MOJ. The electronic archive system will be staffed by MOJ personnel will be a fully owned and controlled court function. The service may be run by an outside provider but will ultimately revert to the court. Revenue generated from document fees for electronic archiving will be MOJ revenue. All documents filed in a case will be electronically archived.
- The litigant will file all case documents at the Front Counter where they will be processed and delivered for electronic archiving prior to being placed in the case file folder. All document fees for electronic archiving will be paid at the Front Counter. Documents filed at the Front Counter will be delivered from the Front Office to the electronic archiving area for scanning and then delivered to the circuit clerk of the case for insertion into the case file. The electronic archive document image will be a legally admissible substitute for the original. The electronic archive document image is intended to enhance document security in the event of a disaster and will be the permanent court copy of the case file after the retention period for the paper documents has expired and the paper has been destroyed. The electronic archive document image may be used for producing copies or reading if conveniently accessible for doing so.
- Court processes will be reorganized in such a way that the litigant will perform all cases related transactions at a front counter.
- One or two clerks will meet with the litigant at the Front Counter and will be knowledgeable and authorized to perform all necessary procedures for normal case transactions.
- Knowledgeable and authorized clerks will be available at another location at the counter for exception processing. Exceptions processing and dispute resolution is for case initiation document filing and other transactions that are out of the ordinary or require negotiation with the litigant concerning procedure or rule decisions regarding the transaction.
- The litigant may enter the Front Counter waiting area directly or stop at the Information Services Counter for information first.
- The Front Counter waiting area will contain a queuing number dispensing machine and a display panel to call the next to be served and direct the litigant to the Front Counter area where clerks are free to serve him.
- While waiting for their numbers to be announced litigants will sit in seats provided by the court. The waiting area will be kept clean and will be a no smoking area.

- The waiting area will be separated from the Front Counter by a barrier (rope railing fencing etc) and will be monitored by guards who will direct litigants to take a number and wait their turn
- It is primarily recommended that a single clerk at each counter station be authorized to perform all case initiation (and document filing) tasks (including case and fee assessment money collection and receipting scheduling and case initiation data entry) If another clerk is required to handle the money transactions separately than the Front Counter area should be staffed by no more than 2 clerks
- Each clerk s area at the Front Counter will have a PC installed for data entry and will be attached to a printer for creating receipts
- The Front Counter PCs will operate a portion of the integrated Case Management Application which will be specifically designed for the case initiation and document filing data collection information display, and printing
- The Case Management Application will calculate the fees, generate the next sequential case number randomly assign a case circuit, generate a schedule of event dates (date of case filing date expected for return of service date expected for the served parties response, date of Pre Hearing Status Conference date of the 1st scheduled hearing) allow data entry of money accepted and calculate change due and generate and print a receipt
- The litigant will deliver to the Front Counter clerk a Writ Of Service and a Writ Of Service Cover Sheet The Writ of Service Cover Sheet will be a required standardized form that must be completed by the litigant prior to coming to the Front Counter The Writ of Service Cover Sheet will be available from the Information Services Counter
- The Writ of Service Cover Sheet will contain fill in boxes and lines requesting all the information required for case type and fee assessment administrative fee assessment electronic archive fee assessment, and service scheduling and other case receipting and case file initiation data entry information
- All documents received by the clerk from the litigant will be stamped by a machine which will imprint a court identification mark (or name) and the date and time of the stamping The stamping machine will be used in lieu of the "court seal" instrument
- There will be a separate claims and deposits counter area and number queue in the common waiting area to process claims and deposits transactions
- A front office will be created to support the Front Counter and perform additional case related activities
- A Front Office clerk will collect the initiated file folders from the "out basket" and deliver them to the Front Counter for processing
- Documents will be scanned and the scanning event entered into the case history of the Case Management Application
- Data entry of the remaining data from the Writ of Service Cover Sheet to complete creating the initial setup of the case history on the computer

- Assemble the case file folder (copy of Writ of Service + Writ of Service Cover Sheet + receipts + any other documents delivered at time of filing)
- Deliver the file folders assigned to a circuit to the circuit clerk
- Deliver the original Writ of Service to the Service Department
- The Front Counter will include a section for a clerk to perform cash and stamp reconciliation and prepare deposits and cash reports
- The Front Counter will include a safe for secure cash deposits
- The Front Counter will be responsible for the distribution of all work and documents to other court departments
- An "Information and Services Counter" should be designed and implemented. This counter should be located in the public area adjacent to the public filing area. It should provide court and case information, information and assistance with court filing forms etc., directions to appropriate offices and courtrooms and other services necessary to inform and assist the public
- The Information and Services Counter will be an office for litigants to receive court and case information
- The Information Services Counter will be staffed by court personnel knowledgeable, trained and supervised to provide information and assistance (i.e. information and handouts on how to use the court (case and document filing requirements and procedures, case file reading procedures and schedules, court forms to be completed and filed as necessary, information on filing appeals and case related information (any information contained in the case history (parties, issues, completed and pending events, interim decisions, case status, scheduled events and hearings, etc.))
- Examples of the types of information that will be available at the Information Services Counter are
 - Directory of the building rooms and personnel which are permitted for public access
 - Hearing calendar information (which panels are meeting where, cases to be heard, and the hearing schedule)
 - Information and handouts on how to use the court (case and document filing requirements and procedures, case file reading procedures and schedules, court forms to be completed and filed as necessary, information on filing appeals etc.)
 - Case related information (any information contained in the case history (parties, issues, completed and pending events, interim decisions, case status, scheduled events and hearings, etc.))
- The Information Services Counter will issue copies and certificates
- Copies and certificates will be requested on standard required forms with attached stamps for payment
- A public "reading room" should be instituted to allow members of the public to examine court documents in a secure environment. This room should have copy services available and should be under the control of the Information Services Counter. The Information Services Counter will control access to the Reading Room

- The Reading Room will be a controlled access room for litigants to read case files under the supervision of the circuit clerk
- No eating drinking or smoking will be permitted in the Reading Room for the protection of the documents
- Litigants will not be permitted to remove any documents or files from the Reading Room
- The RR will be run according to a schedule that provides some reasonable number hours of 1 to 2 days per week per circuit clerk Files in the possession of a clerk may only be read according to the schedule

4 Case folders

- A uniform case folder should be designed and adopted by the court This folder should have the following features as a minimum Color coding as to case type, exterior information regarding necessary basic information, provision for attachment of filed documents in a logical and uniform manner, standard sized documents
- Filed materials must be placed in the appropriate file folder as early in the process as possible and once filed should remain in the file folder for all future operations Any removal of court documents for copying should be carried out only by specially designated court staff and the documents should be immediately replaced in the same sequence in the court file following copying
- Standard rules should be adopted by MOJ regarding the use of uniform case folders and staff should be trained and required to follow these procedures

5 Restricted public access

- Tasks should be re-defined so as to separate those requiring public involvement from those involving public, litigants or lawyers
- All essential work related to case initiation not requiring direct participation with the public should be conducted by court staff in non-public areas of the court Court staff should be re trained on these procedures and relocated to such non-public areas
- Court facilities should be redesigned and reallocated to provide for separation between those staff interacting with the public and all other staff
- The public at large, and especially the attorneys, should be informed of the new public access requirements well in advance of implementation of these procedures

CASE MANAGEMENT

CURRENT PROCESSES & PROBLEMS

Case management is the core administrative function of all courts. The success of this important administrative function is necessary to move cases through the system in an effective and efficient manner. It is a function which relies on many different elements including the litigants, attorneys, other court related agencies, court staff, only to name a few. Currently the time from the filing to the final disposition of a case is too long and requires too many hearings. There is too much unnecessary delay in most cases. There are many reasons for the delay in processing cases. Some of the major reasons include the following:

- 1 The litigants often are not prepared for their court hearings
- 2 Some litigants deliberately delay the case flow process
- 3 Some judges do not take control of and manage their caseload
- 4 There is little effective monitoring and follow up of service department activity and referrals to the expert department
- 5 Case management information is manually produced, difficult to obtain, and not sufficiently utilized
- 6 There are a large number of pending cases (backlog) which need to be addressed
- 7 The judgment and ruling process is too lengthy and sometimes uses a litigant's appeal time

1 The litigants often are not prepared for their court hearings

An example is when they request the postponement of a hearing in order to review documents, which may have been submitted late by the other party. Or the litigant says that he may not have read the document even though he may have had it long enough to do so. Sometimes the power of attorney has not been completed. These all result in delay of the case. Parties are often late in paying case related fees, fines and deposits thus also delaying the progress of the case.

2 Some litigants deliberately delay the case flow process

Some litigants deliberately delay performing their responsibilities in order to delay the case. Some plaintiffs file cases primarily to harass the defendant. In both instances this also adds unnecessary delay to the caseflow process because valuable resources

are used to process the case even though the plaintiff has no intention to follow through to judgment

3 Some judges do not take control of and manage their caseload

The court does not regularly impose or enforce deadlines on litigants for the timely completion of case preparation (discovery) tasks. Judges sometimes do not enforce the Civil and Commercial Procedural Rules, and often do not utilize their authority to dismiss cases by order when it would be justified to do so. If they actively exercised their authority in these areas many cases would be resolved in a shorter period of time and those cases which need to be dismissed from the system would be dismissed. This would reduce some of the delay in a case as well as reduce the number of pending cases in the system. As it is now the attorneys and litigants essentially determine how long it will take a case to proceed through the court.

4 There is little effective monitoring and follow up of service and expert referrals

There is very little follow-up effort to monitor service department activity and referrals to the expert departments on a case by case basis. These two areas account for considerable delay in a case, particularly the expert department. Reengineering the process of referring cases to these two departments can save an appreciable amount of time. In some instances weeks and sometimes months pass before the particular department receives the case documents. These areas are covered in more detail within the experts and service modules.

5 Case management information is manually produced, difficult to obtain, and not sufficiently utilized

In order for any case management process to be successful there must be a system of regularly providing clear, accurate and timely information to the persons responsible for managing the system, the judges and administrators. This information must be used to help make day to day management decisions regarding the assignment of cases, scheduling of court rooms and staff etc. It also serves as a measure of how well the system is doing against the time standards adopted by the court. This information also provides a basis for future planning activities as the courts caseloads change.

6 The judgment and ruling process is too lengthy and sometimes reduces a litigant's appeal time

Judgments and rulings are briefly announced in open hearings but litigants need the full ruling to be able to file an appeal. They are sent to the typing pool in hand written form to be typed, which takes 1-2 weeks. The final document is returned to the circuit clerk for the judge's signature then placed in the court file. Litigants wishing to see the judgment contact the typing pool or the circuit clerk. Appeal time starts running

from the date of the signed judgment but litigants often do not see it until some time later This reduces the litigant's time within which to file an appeal

7 There are a large number of pending cases (backlog) which need to be addressed

There are a large number of pending cases before the North Cairo Court of First Instance This backlog must be considered in the plan to improve the overall case flow management system Assuming no new judicial resources will be added the backlog could hamper the court's efforts in reducing delay

OBJECTIVES FOR IMPROVEMENT

The success of any effort to reduce case delay requires the judges of the court to agree that early and continuous court control of cases is the primary objective necessary to achieve improved case management This means the judges must assume the responsibility for seeing that their cases are moving along as quickly as possible but without jeopardizing the rights of the litigants The ultimate goal of case management is to reduce as much of the unnecessary delay as possible from court cases Once the judges agree to this primary goal the following objectives are a method to be followed to implement and maintain an effective case delay reduction plan

- 1 The court should resolve to take active and continuous control in managing its cases
- 2 Litigants should be advised of their responsibilities in litigating their case
- 3 Litigants should be advised of the importance of adhering to deadlines and hearing schedules
- 4 The court should set hearings with the minimum amount of time between each hearing (short settings between each hearing)
- 5 Court leadership should encourage judges to dismiss cases when litigants do not make good faith efforts to get ready
- 6 Case flow management information must easily collected, be readily available in a format which is easy to use
- 7 That portion of all pending cases, which are outside a reasonable time frame for disposition (backlog), must be accurately identified and addressed in the case management plan
- 8 Announcing judgments and rulings should take less time

1 The court should resolve to take active and continuous control in managing its cases

As stated above the main objective of case management is for the court, not the litigants, to take control of all cases once filed with the court. This process should begin at the filing of the case and continue until a judgment is rendered or the case dismissed. Case management should not be left to the whim of the litigants.

2 Litigants should be advised of their responsibilities in litigating their case

This objective closely follows objective 1, above. The court should make sure that litigants are notified as early as possible what is expected of them in order for them to be ready for each hearing and prepare their cases for judgment. They should also be told that the court will be monitoring and controlling the movement of the case until it is completed. This information should be given to each litigant at the beginning of the case. Doing so will help set the appropriate expectations in the minds of the litigants for the rest of the case and all cases in the court.

3 Litigants should be advised of the importance of adhering to deadlines and hearing schedules

The court should try to make the litigants understand that adherence to hearing date schedules and other requirements set by the court are important for the litigants to follow so the litigants can resolve their cases quickly and fairly. The court should also make it clear that its responsibility is to resolve cases quickly and fairly and that the judges take this responsibility very seriously. Finally, it should be made clear that if either party is delaying the case process the court has the authority to dismiss the case.

4 The court should set hearings with the minimum amount of time between each hearing (short settings) and reduce the number of unnecessary hearings

The court should set short but reasonable time periods between court hearings or other deadlines related to the case. This is in order to allow the court to move the case along and render a judgment in each case within the shortest time possible. The dates should be firm and not be set without regard to legitimate scheduling conflicts of the parties. Once set the dates should be adhered to by the court. Doing so sets an example and creates the expectation that the court is serious. Once litigants understand the court's position regarding firmness of hearing dates these cases often are settled or withdrawn by the litigants. The court should also avoid setting hearings that do not require action by them. This issue is addressed later in both this document and in the Hearing Support function.

5 Court leadership should encourage judges to dismiss cases when litigants do not make good faith efforts to get ready

The leadership of the court should make sure all judges understand the legal basis and their authority for issuing an order of dismissal or other sanctions against litigants who are not making good faith efforts to prepare their cases for judgment. If the litigants are not ready the court should be ready to take any reasonable steps to cause the litigants to be prepared or to impose penalties, up to and including an order of dismissal, if they are not making a good faith effort to do so.

6 Case flow management information must easily collected, be readily available in a format which is easy to use

Present data collection systems need to be reviewed and reengineered to provide judges the information they need in order to effectively manage their caseloads. Ideally this information will be a by-product of data already being collected. The data collected needs to be put into a format that is easy to read and is useful. The CMA will improve the capability to provide this information in a timely manner.

7 That portion of all pending cases, which are outside a reasonable time frame for disposition (backlog), must be accurately identified and addressed in the case management plan

All cases pending before the court should be included in managing its caseload including all the old cases (backlog). The plan should include steps to be taken to reduce the backlog to a tolerable level without jeopardizing the rest of the case management plan.

8 Announcing judgments and rulings should take less time

A more expeditious system for providing judgments and rulings should be developed to lessen the impact on litigants particularly those who wish to file appeals. Providing judges and typists access to automated word processing tools should speed up this process. Judges should have access to tools and guides via their PC's such as an electronic bench book.

SPECIFIC RECOMMENDATIONS AND ALTERNATIVES

1 Primary recommendation: The Civil Prosecutor Model

Legislation for this model is pending before the Peoples' Assembly. This model enables a judge, who is not a member of a judicial panel, to function as a case manager with authority to make judicial decisions in preparing a case for judgment.

prior to its hearing before the assigned judicial panel. Since this model has been thoroughly discussed earlier in the project it will not be repeated at this time.

2 Alternative The Case Manager Model

If the civil prosecutor legislation is delayed or does not pass, the alternative case management system is the Case Manager Model. Much of the administrative work judges now perform during court hearings will instead be performed by the case manager, thus freeing judges up for more judicial work. The case manager will routinely monitor each case using the case management application to determine its status and what is needed for it to be ready for judgment. The case manager will handle administrative matters only; the case manager will conduct pre-hearing status conferences to insure litigants are ready for their hearings and will interpret the instructions and checklist items for the litigants to aid them in getting ready for their hearings. The case manager will utilize management and statistical reports produced by the case management application system as necessary and will routinely advise each judge's panel about the status of their cases. A more detailed description of this model follows.

Key Elements of The Case Manager Alternative

- 1 The judges of the court will exercise control of their cases. The judges and key staff will receive training in caseload management and delay reduction to provide them information and justification for taking control of their cases.
- 2 The case manager will not be a judge and will not have authority to make judicial decisions.
- 3 The case manager will focus on administrative matters only. The case manager will make administrative decisions as approved in policies and procedures approved by the court.
- 4 The case manager's role will be to screen each case to determine what needs to be done before the case goes to hearing. If the action necessary is the court's responsibility, the case manager will initiate the action according to procedures and guidelines approved by the court. Otherwise, the case manager will make recommendations to the court and await its approval before initiating any action. If the required action is the responsibility of the litigants, the case manager will so advise the litigants. This will reduce the amount of time judges now spend performing the same tasks at the hearing which wastes valuable judicial time.
- 5 The case manager will conduct a pre-hearing status conference for each case. The purpose of the pre-hearing status conference will be to

- A Advise the parties what they need to do to prepare their cases for the first hearing and subsequent hearings and answer any non-judicial questions about the case process
Alternative Litigants will be given an instruction sheet concerning what their responsibilities are regarding the case, the plaintiff at the time of filing, the defendant when served with the writ of summons
- B Determine if service on all parties has been completed If it has not, an order for re-service will be prepared for the judge's signature and/or any other appropriate action
- C Determine if all documents have been submitted and reviewed by the parties and if there are any other requests, such as for expert opinions, to be made
- D If an expert opinion is requested a next hearing date will be scheduled to allow minimal but reasonable time to allow the expert fees to be paid If the fees are not paid the request for an expert opinion will be denied and the case prepared for judgment
- E The case manager will schedule pre hearing status conferences in each case or as directed by the judges as often as necessary in order to get the case ready for judgment
- F A manual case monitoring form will be used by the case manager to record key information and events in each case and will be used for case management and statistical monitoring until the CMA system is operational The judges will be able to obtain up to date information on the status of the case with this form
- G The CMA system will provide more information than the manual system mentioned in item F , above The CMA system will enable the case manager to perform the tasks listed above as well as producing more management reports for the judges to enable them to monitor and enforce procedures and rules as well as to more easily identify causes of delay such as too many postponements
- H The case manager will provide judges current information on the status of all their cases on a continuing basis
- I If a case is not ready after the efforts of the case manager, the case will be sent to the judges for further action If a litigant is not ready due to negligent or deliberate behavior the judges should be ready to issue an order to dismiss the case
- 6 Court calendars include only those cases requiring action by the judges and are set to minimize crowding and unnecessary waiting by the litigants (This recommendation is directly related to the Hearing Support Function and is addressed there as well)
- Cases in which all document filings and other requirements have not been completed should not be placed on the calendar for hearing Rather, a note should be listed opposite the case number on the hearing agenda directing the parties to contact the case manager or other responsible court official to receive further directions about their case These notes could, as an alternative, be listed

in a separate section below the hearing agenda This would prevent the litigant from unnecessarily waiting for their case to be called

- A differentiated case calendar call should be considered This would involve grouping like cases or hearing activities together at specific times For example, Signature cases are scheduled at 10 00, Final judgements at 11 00 This will enable large groups of litigants to be serviced without requiring other litigants to sit and wait not knowing when their case will be called
 - Schedule two court sessions per courtroom per day, morning and afternoon This will spread out and reduce the amount of congestion and noise and will provide more scheduling flexibility for judges, litigants, and employees Most court hearing sessions are 2 hours or less so the morning calendars should not run into the afternoon calendars
 - Alternative Conduct a trial call one week before the circuit's scheduled hearing to identify those cases not prepared or otherwise not requiring a hearing before the judges Those litigants not prepared would be given a next trial call date and told to have completed the necessary action or risk dismissal of their case The trial call could be conducted by a follow up judge, a case manager or one of the judges in the circuit This will reduce the number of people who are unnecessarily coming to the court hearing if their case requirements are not completed Notification of trial call results to litigants who do not show up for the trial call could be via their attorneys, by telephone or by mail
 - Alternative Conduct the above described trial call one hour before the regularly scheduled hearing This would not require litigants to make an extra trip to the courthouse
- 7 Announcing judgments and rulings (Note this procedure applies to both the Civil Prosecutor and Case Manager models) After a court hearing where a judgment or ruling is to be issued the following procedure will be followed As soon as the judge delivers the draft of the judgment or ruling to the circuit clerk the decision will be entered as an event into the register of actions of the case history The text of the decision will be shortened Until the computer system is installed the decision will be entered into the case history section of the case file The decision will be available for inquiry by clerks at the Information Services Counter to answer questions from litigants concerning decisions The final, signed decision will be available at the Front Counter (Information Services) for pick up by the litigant 7 days from the date of judgment The circuit clerks and typing pool staff will be in areas restricted to the public and thus litigants will not be able ask them for information concerning the court's decision

Judges will have electronic access to legal materials such as benchbooks via their PC's

Alternative Until the CMA system is installed a judgment index will be maintained at the Information Services Counter This will be a listing of cases by case number, which will indicate whether or not a preliminary judgment has been announced by the court but not yet typed, a brief statement of what the decision was, and whether or not the final judgment has been issued and signed by the court Litigant's requests for copies of the judgment will be given to the Information Services Counter clerk who will make arrangements to have copies available for pick up by the litigants at a set date and time

Other alternatives which can be added to either model

Case specialization Panels are assigned to hear only one type of case for a period of time, two years for example This enables judges to rapidly gain expertise with the case type and will facilitate quicker disposition of their cases because of their specialization Judges should not spend more than 3 years in any one case category, 2 years would be the lower limit of the assignment After completion of their assignment they would then be assigned to the next category of cases repeating the cycle every 2 or 3 years until they had heard every type of case

Differentiated case management This alternative works hand in hand with the case specialization alternative It separates different case types from one another so that signature or other short cause cases which need very little judicial action or those needing special treatment can be diverted from the overall pending caseload and handled expeditiously This prevents the litigants in short cause cases from needlessly waiting behind more complex and time-consuming cases This system allows the court to dispose of a large number of cases within a shorter period of time and provides better service to litigants It also allows the court to focus more attention to the complex and time-consuming case than it would if all case types are mixed

Special Follow Up Judges for service, experts and postponements These judges would review all requests for referrals to the expert department and requests for reservice The judges would make a recommendation regarding the request to the panel assigned the case This would provide a necessary focus on two major bottlenecks in the civil justice system The follow up judge's recommendation would not be binding but would provide the panel the follow up judge's considerable knowledge and expertise in these two areas The recommendation would be made on a form with check boxes a copy of which would be kept by the follow up judge for management and statistical purposes Such a system would serve to reduce the number of unnecessary referrals to the expert department and requests for unnecessary postponements

Critical Tasks To Implement Both Recommendations

- 1 The judges agree to take responsibility for the firm control and management of their caseload
- 2 Develop the supervisory and management framework within the case management function and its units with training programs conducted in conjunction with NCJS
- 3 Classify and develop job descriptions for all case management staff
- 4 Develop and implement a backlog reduction plan to supplement the backlog efforts underway in the North Cairo Court This could include specially chosen teams of judges and court staff reviewing all backlogged cases and sorting them out for various actions depending on their state of readiness
- 5 Review and reengineer internal case management workflow procedures and to conform to the approved case management model
- 6 Develop case management procedures
 - Checklists
 - Case monitoring forms
 - Form orders for service, re-service, case dismissals (default judgments), expert referrals or denials
- 7 Design a case flow management-training program for judges and non-judicial personnel who will be working in the experimental panels The first training program will be an introductory course Subsequent courses will be designed specifically for the approved case management plan
- 8 Develop and maintain an ongoing statistical reporting and monitoring system for the status of all cases
- 9 Obtain telephone systems for case management staff
- 10 Develop and implement CMA functions related to case management

HEARING SUPPORT

Conceptual Design

The Hearing Support function is closely related to the Case Management Function. It was separated from the Case Management Function because it focuses on the orchestration of all activities necessary to get all the litigants and attorneys into the courthouse at the same time and place.

The court hearing process can be frustrating and difficult for litigants. The court building is crowded, it is difficult to find one's way around the building and the courtrooms are also often crowded. Litigants can easily become confused. The public wanders all through the building when they need only to visit certain specific areas. The integrity of case files and other documents are subject to loss because the public has access throughout the entire building.

CURRENT PROCESSES AND PROBLEMS

- 1 Building and courthouse activity informational services are lacking
- 2 The size of the court calendars appears to be inconsistent in their size and content
- 3 Courtrooms are often overcrowded, noisy and unkempt
- 4 All schedules lists and reports used in support of the court hearing process are manually prepared
- 5 The public has complete access to circuit clerks offices
- 6 The public must negotiate between two buildings in order to find the courtroom and other civil court services
- 7 Case files must be carried from one building to the other for court hearings

- 1 Building and courthouse activity informational services are lacking

Litigants and members of the public who come to the courthouse to attend hearings find inadequate assistance and directions to the court hearing rooms. Court schedules posted are hand written and sometimes difficult to read. While looking for the courtroom the public and litigants often disrupt proceedings in neighboring courts. Once in a courtroom they also may simply wait to see what happens or ask other spectators what courtroom

they need to be in which disrupts the other litigants. Once they find the courtroom they are not sure what they are to do next.

2 The scheduling of the court calendars appears to be inconsistent.

The numbers of cases on a one-day calendar can vary from 30 or fewer matters to over 130. Many of these matters do not have to be included on the calendar because they are administrative in nature or the litigants are not ready.

3 Courtrooms are often overcrowded, noisy and unkempt.

Litigants, attorneys, family and friends appear at the beginning of the court session though their case may not be reached until late morning or early afternoon. Court personnel do not provide adequate control of the crowd, which often disrupts the judges and results in the judges having to admonish the crowd to be quiet. Spectators sometimes cannot hear what is going on. Some rooms used as courtrooms are not suitable for that purpose. Some rooms are of the wrong design or too small which contributes to the confusion and noise.

4 All schedules, lists and reports used in support of the court hearing process are manually prepared and most are not in standard formats.

These processes and documents share common data elements, many of which are repeatedly posted to other lists and forms, which is a duplication of effort. This is time consuming and prone to error. Differing formats are time consuming to follow and confusing to the public. The result is that the public is often bewildered and frustrated by the whole process.

5 The public has complete access to circuit clerks' offices.

Attorneys, litigants and the public have unrestricted access to the circuit clerks' offices. There is no reason these areas must be open to the public. The circuit clerks are responsible for the security of the case files, which are kept in locked file cabinets in their offices. The open access to the public can be disruptive to the clerks. The integrity and control of case files are jeopardized under the current situation.

6 The public must negotiate between two buildings in order to find the courtroom and other civil court services.

There are civil courts located in both the old and the new North Carolina Court Buildings. Criminal cases and most of the criminal prosecutors' offices are located in the old building. The public and litigants often must go from one building to the next in order to find their assigned courtroom. The taxes and commercial clerk's offices are located in the new building while the civil clerk's offices are all located in the old building.

- 7 Case file security and integrity is compromised when cases are transported in open areas

The circuit clerks offices are in most instances located far from the hearing rooms This requires the circuit clerks to sometimes carry over 100 case files from one building to the next requiring them to go through open areas This does not provide good file safety and security

OBJECTIVES FOR IMPROVEMENT

As a result of the analysis set forth above, the following objectives have been established by the AOJS project in connection with the conceptual design of the hearing support process

- 1 Improve public information services within the court building
- 2 The size of the court calendars should be reasonable and contain only those matters requiring action by the judges in open court
- 3 Courtroom assignments should be coordinated on the basis of the size of calendars
- 4 Reengineer and improve preparation of court schedules (agendas) forms and procedures
- 5 Restrict public access to the circuit clerks offices and improve case file security and integrity

- 1 Improve information services within the court building

General information directories and a full time customer information center should be added to the main court lobbies Small directories should be added throughout the public areas of the buildings The directories should include lists of each circuit's location and daily schedule and they should be posted in prominent areas throughout the courthouse A separate hearing schedule should continue to be posted adjacent to the public entry into each courtroom

- 2 The size of the court calendars should be reasonable

Some court calendars (agendas) should reasonably be set and administered such that litigants and others are not unduly inconvenienced. They should not have to wait unnecessarily before their case is called.

- 3 Courtroom assignments should be coordinated on the basis of the size of calendars

Some court calendars (agendas) will be large. Those calendars should be heard in larger courtrooms, which can accommodate large numbers of litigants, attorneys and spectators. The smaller calendars can be heard in smaller courtrooms. Observation of court hearings showed litigants and the public overrunning the public seating area out into the hall with people constantly going back and forth to and from the courtroom.

- 4 Reengineer and improve the preparation of court schedules forms and procedures

All courtroom schedules, rolls, hearing forms and procedures should be reviewed and redesigned so that all courts and staff use the same formats. The case management application will provide clear neatly printed formats to meet this requirement. This will serve to reduce confusion, improve and simplify the training of new employees and enable information to be more easily gathered and utilized. The result will be better understanding and more usefulness of these forms and issues by all who come in contact with them, particularly the public.

- 5 Restrict public access to the circuit clerks offices and improve case file security and integrity

More secure case file storage systems should be installed in the circuit clerks offices to protect the integrity of the case files. The public should not have unrestricted access to the back hallways where the circuit clerks offices are located. Case files should be tightly controlled and secured. It is the responsibility of the court to maintain the integrity of all case files. Systems and procedures should be in place that minimize to an absolute minimum exposure of case files to persons who do not have reason to have access to case files. Case file storage and working areas should not be open to the public.

- 6 In all courts the civil and family case functions and hearing rooms should be separated, where possible, from criminal case functions and hearing rooms

The above proposal has been presented to the MOJ regarding the North Cairo Court of First Instance. This proposal will be considered further at the time the balance of the conceptual design is presented to the MOJ.

SPECIFIC RECOMMENDATIONS AND ALTERNATIVES

1 Improve information services within the court building

- A full time, fully staffed information counter should be located in the main lobbies of the courthouses. Each information counter should have a computer terminal from the case management application, which will enable the information clerk to rapidly provide hearing agenda information for all hearing activities. The staff at these counters will be trained to provide directions to all activities in the courthouse. Consideration should be given to having smaller information counters in other areas of the buildings where there can be large gatherings of people.
- Each courtroom should have a trained bailiff or similar employee who is available to assist anyone who is seeking directions. This person should remain in the court hearing room, preferably by the door, for the entire court calendar.
- The formats of the lists, schedules and directories for the public should be clear and uniform and be produced from the case management application. They should be posted in all key public areas of the buildings. Court schedules should be listed by circuit, in case number order.
- Alternative. Additional formats, which are easy for the public to follow, should be considered for those who do not have the case number. For example a second listing could be by the titling of the case including the full name of the plaintiff followed by the full name of the defendant and a third listing could be the reverse the defendant's name first and the plaintiff's second. The circuit number and courtroom would be listed opposite each entry. The case management application will enable this to be done rapidly.

2 Court calendars include only those cases requiring action by the judges and are set to minimize crowding and unnecessary waiting by the litigants (This recommendation is directly related to the Case Management Function and is listed under the Case Manager Alternative in that document)

- Cases in which all document filings and other requirements have not been completed should not be placed on the calendar for hearing. Rather, a note should be listed opposite the case number on the hearing agenda directing the parties to contact the case manager or other responsible court official to receive further directions about their case. These notes could, as an alternative, be listed in a separate section below the hearing agenda. This would prevent the litigant from unnecessarily waiting for their case to be called.
- A differentiated case calendar call should be considered. This would involve grouping like cases or hearing activities together at specific times. For example, Signature cases are scheduled at 10 00, Final judgements at 11 00. This will

enable large groups of litigants to be serviced without requiring other litigants to sit and wait not knowing when their case will be called

- Schedule two court sessions per courtroom per day, morning and afternoon. This will spread out and reduce the amount of congestion and noise and will provide more scheduling flexibility for judges, litigants, and employees. Most court hearing sessions are 2 hours or less so the morning calendars should not run into the afternoon calendars.
 - Alternative. Conduct a trial call one week before the circuit's scheduled hearing to identify those cases not prepared or otherwise not requiring a hearing before the judges. Those litigants not prepared would be given a next trial call date and told to have completed the necessary action or risk dismissal of their case. The trial call could be conducted by a follow up judge, a case manager or one of the judges in the circuit. This will reduce the number of people who are unnecessarily coming to the court hearing if their case requirements are not completed. Notification of trial call results to litigants who do not show up for the trial call could be via their attorneys, by telephone or by mail.
 - Alternative. Conduct the above described trial call one hour before the regularly scheduled hearing. This would not require litigants to make an extra trip to the courthouse.
- 3 Better scheduling of hearings will minimize courtroom crowds and noise and janitorial services will be improved

Courtrooms should be assigned on the basis of the number of cases and thus the number of litigants expected to attend the hearings. Small calendars in small courtrooms and larger calendars in the larger ones. As suggested above a trained cadre of court employees should be provided to assist in providing information and to exercise some control over persons who are boisterous or otherwise disruptive to the proceedings. The court security system should provide a means to send security personnel to any area of the court requiring their services. Janitorial contracts should be enforced or renegotiated to provide higher quality service.

- 4 Court staff prepares all schedules, lists and reports using the case management application system
- All case activity including court hearing results will be posted to the case history (registry of actions). The case management application will produce daily agendas, the roll/case history sheets and hearing records sheets with individual case header information for case hearing notes. These documents will be produced from information that is entered into the computer system once thus saving time and reducing the possibility of errors.

- Activities posted to the CMA case management system will be by codes for each type of activity that can occur in a case. This will simplify and standardize the data entry process and will result in fewer errors. This system will also make training of employees much easier to conduct and will also make it easier to monitor an employee's performance.
- Alternative The Circuit Work Unit Model. In this model typists are assigned to specific circuits. In addition to typing judgments and orders for the judges of the circuit the typists will also be responsible for entering data provided by the circuit clerk to update each circuit's agendas and case rolls into their PCs. Accordingly, the agenda and all case rolls would be maintained in the typist's PC. The case rolls and any other lists would be printed and distributed daily for the public information counters, bulletin boards and courtrooms. This system would reduce the amount of time it takes to produce the case rolls and would provide a clearer, more professional looking information for the public and the court. This system could be put into place as soon as the typing pool PCs are installed.

5 Restrict public access and improve case file security and integrity

- The public will not be allowed into any area other than the public lobbies, the front counter area of the clerks office, the hearing rooms and any other office that is specified open to the public. All other areas will be restricted and be open only to court employees. All business that needs to be conducted by the public will be confined to public areas only. This will result in a more orderly atmosphere, less confusion and more control and security of case files. Litigants wishing to view a case file will be able to do so by making a request at the front counter. The circuit clerk who has custody of the file will make it available during specified viewing periods in an area to be designated as the front counter area "reading room". The reading room is a secure area near the front counter in which litigants would be able to review their case file and other documents under the supervision of the circuit clerk or other designated employee. The room would be controlled by a security guard and it would have a photocopier available to provide copies of documents for the litigants.
- Create a Circuit Work Unit for each panel consisting of the 3 judges, the circuit clerks, one bailiff who assists the circuit clerks when not performing hearing related duties and 1- 3 typists. As stated in section 4, above, the typists will also function as assistant data entry clerks when not typing documents for their assigned circuits. This team approach will provide backup assistance to other employees in the unit, for example, when employees are away. It will facilitate better working relationships between team members and help improve job performance. It will also reduce the time and effort of sending documents between the typist and the judge under the centralized typing pool system. It will also help more trust and respect between the judges and their support staff.

- Relocate circuit clerks offices so they are as close as possible to their assigned hearing rooms. This will minimize the distances they must carry case files and hopefully be along a route that does not pass through a public area.

EXPERT OFFICE

Conceptual Design

The office of the experts is an integral part of the caseload process. Therefore, it is essential that the AOJS caseload design take account of the significant role this office plays in the disposition of cases. Although statistically only about 30% of cases are currently being referred to experts, AOJS caseload studies show that on average the decision to forward a case to the Expert Office more than doubles the average total elapsed time from filing to disposition. With these facts in mind, the project has made an analysis of the current processes of the Expert Office and the various problems that exist in connection with the Expert process that negatively impact caseload. These processes and problems follow:

CURRENT PROCESSES AND PROBLEMS

Without dwelling on the processes of the court that lead to the decision to refer a case to the Expert Office which are well known to the Ministry, the following problems have emerged as key elements of the Expert process that impede efficient caseload:

- 1 Delay in the decision to refer cases to the Expert Office
- 2 Inappropriate referrals
- 3 Delay in the process of transferring cases from the Court to the Expert Office
- 4 Confusion as to clarity of requests for opinion
- 5 Delay and disorganization within the internal operation of the Expert Office
- 6 Inefficiency in rendering an Expert Opinion

1 Delay in the decision to refer

A study conducted by AOJS during the summer of 1997 under the direction of Professor Ernie Friesen surprisingly concluded that typically the average elapsed time from case filing to the point at which a decision was made to refer a case to the Expert office was 1 year. In addition, once the decision was made the immediate effect was to put the case "on hold" and to render those things which were done in advance of the decision moot as a practical matter. Therefore, once the decision to refer has been taken, already a year of effective case processing has been lost. Accordingly, the first effort in reform in the Expert process should be to create an atmosphere in which the referral decision is made as promptly as possible following case filing.

2 Inappropriate referrals

All parties concerned in the process—judges, litigants, and experts—concede that a significant number of referrals to the Expert Office are needless exercises. The problem seems to result from a number of factors: 1) the lack of training of judges to appropriately deal with technical aspects of cases without referral; 2) the incentive to use referral as a device to reduce the judge's pending caseload; 3) the lack of alternative problem-solving resources; 4) the unwillingness of the judges to deny requests on the part of litigants for expert referrals. The nature of many of the cases that are referred is such that with appropriate training and policy adjustment, the judges could handle the cases themselves without a referral. In addition, the provision of alternate limited expert capability could efficiently deal with another significant amount of

referrals Finally the adoption of stringent supervision and monitoring of referrals to the experts would eliminate another large number of referrals

3 Delay in the process of transmittal

Once a decision has been taken to refer a case either on motion of one of the parties or on the Court's own motion a process begins which ultimately results in the case arriving at the Expert Office This process itself has significant delay built into it In addition there are factors in this process that cause security concerns in regard to case files and confusion in many cases when they are ultimately received in the office While the actual delay in the transmittal process is relatively small in comparison to the overall time consumed in the Expert process there are various factors resulting from the transmittal process that create additional delay The most notable of these is frequent confusion as to the nature of the request for opinion resulting in referral back to the Court for clarification, which is touched on below Accordingly any effort to smooth out the referral process must also attack the causes of delay that result from the process of transmittal

4 Confusion as to clarity of requests for opinion

Because of the haphazard manner in which requests for opinions are transmitted to the Expert office, frequently the office is unsure of the nature of the request After some considerable delay within the office when someone in authority finally gets to the point of focusing on the request many times legitimate questions arise as to exactly what it is the judge is asking In these cases the practice is to turn the request around and transmit it back to the Court with a request for clarification This process itself is time consuming and occurs after a substantial amount of time has passed wherein the case languished in the Expert office Following re-transmittal additional time is lost while the case moves its way back to the initiating judge so he can address the request for clarification Thereafter, depending on how fast the judge can re formulate the request in an understandable manner, the entire transmittal process is repeated It is also worthy of note that in the process, the case loses its place in the queue for substantive action so the case then goes back through the receipt/assignment process It is also noted that the Expert Office inappropriately considers cases sent back for clarification closed cases thereby skewing office statistics

5 Delay and confusion within the internal operation of the Expert Office

Once the case is received in the Expert Office and it is determined that the request for opinion is understandable and clear the process of dealing with the request within the office begins This process itself is fraught with delay and confusion due to the lack of appropriate working standards and efficient practices within the office Examples of this are delay in the process of selecting the expert to work on the case, inefficient paper flow within the office over-reliance on multiple reviews of opinions before return to the court etc Many of these problems are the result of overwork due to the high number of cases referred and will be helped merely by the reduction in the number of inappropriate referrals In addition poor working conditions for the experts also play into the inefficiency of the system Each of these problems must be addressed in the effort to move the process along in a timely manner

6 Inefficiency in rendering an expert opinion

Finally once the expert has done his work the process by which the professional output of the office is accomplished is convoluted and inefficient As touched upon above, the process of review is redundant and time consuming In addition the result of the expert's work may be contested and ultimately repeated In many cases the quality of the opinion does not inspire confidence in the Court thus the office may be ordered to render a second opinion Also the process of re transmittal itself is a repeat of the original transmittal process and must be examined to reduce additional delay

Accordingly, these and other problems will be dealt with in the recommendations for action in connection with reform of the Expert Office procedure

OBJECTIVES FOR IMPROVEMENT

As a result of the analysis set forth above, the following objectives have been established by the AOJS project in connection with the reform of the Expert Office process. These are listed in order of importance

- 1 Discourage inappropriate referrals
- 2 Expedite the process of deciding whether to forward a case to the Expert Office
- 3 Improve case handling within the Expert Office itself
- 4 Improve the quality of the experts themselves
- 5 Reform and streamline the transmittal process
- 6 Improve the quality of the Expert Office workplace and employee performance

1 Reducing or eliminating inappropriate referrals

As was pointed out earlier, one of the principal causes of delay in the flow of cases is the decision to refer a case to the Expert Office. Regardless of what new efficiencies are developed within the Expert process, this will always be the case to a greater or lesser extent. Therefore, it is important that the referral of cases to the office be made only when absolutely necessary. The inappropriate referral of cases not only causes delay for the litigants in ultimately deciding the case, but also results in additional delay in the Expert Office itself due to the sheer volume of cases referred. Accordingly, anything that can be done to reduce the amount of inappropriate referrals will have numerous significant results. AOJS believes that the reduction or elimination of inappropriate referrals should be the number one priority of Expert Office reform.

2 Expediting the decision to refer

Probably the easiest reduction in total time consumed by the Expert process would be an effort to speed up the initial decision to refer the case itself. As earlier pointed out, on average this process today is consuming approximately one year, during which little of significance to disposition of the case is accomplished. Reasonable time standards imposed on the litigants and the judges in regard to this decision would pay big dividends in reduction of total processing time. In addition, effective policies seriously enforced would result in more timely decision making.

3 Improving internal Expert Office processes

The Expert Office, like many others in the government, is overly bureaucratic and seriously inefficient. The lack of ability to assign responsibility in a timely manner, the lack of accountability, the redundancy of the chain of command, all contribute to delay within the office. In part, these problems are the result of the volume of work thrust upon the office and the Court's own referral process, but whatever the reason, there must be a major effort made to reform and streamline internal processes in such a way as to expedite the decision making process. This effort must include clarity and simplicity in the initial referral, early and clear assignment within the office, and alternative methods of dealing with some cases requiring expert

help It will also be suggested that control and authority over the Expert Office be transferred from the Ministry to the Chief Justices of the various courts in order to provide more immediate supervision and accountability

4 Improving the quality of the Experts

It is apparent to anyone reviewing the Expert process that there is a serious lack of confidence on the part of the courts and the litigants in the value of the work of the Expert Office This means that the entire process including all the additional delay inherent in even the most efficient operation of the process may be utterly insignificant in the ultimate outcome of the case It should be obvious therefore that attention must be given to the quality of the work product in order to make this painful and time consuming process at least worthwhile in the long run It will be suggested that additional standards be adopted for selection training and evaluation of experts In addition a monitoring and evaluation plan should be developed for the office itself, which would have the effect of improving overall performance The concept of creating an additional Expert Office within the Court itself with specific responsibilities for certain kinds of cases will also be explored

5 Reforming the transmittal process

While the amount of time consumed in the paper-flow process between the Court and the Expert Office (both coming and going) is not a major factor in delay, it has some elements that contribute to delay and more importantly, confusion As an example, the lack of clarity of the original request many times results in one or more re referrals and transmittals between the Court and the Office In addition the transfer of original files between offices causes serious security concerns and in most cases is unnecessary Finally the process should be reformed to take advantage of modern technology and efficient practices

6 Improve the physical workplace and work incentives

At the moment in the North Cairo court itself and probably in other courts throughout the country the Experts labor in an environment that does not lend itself either to efficiency or to quality work Crowded cramped and confused working conditions do not inspire confidence in the professional result The lack of privacy prevents adequate work with litigants and witnesses The physical structure prevents appropriate contact with necessary parties The lack of appropriate research capabilities inhibits quality results Each of these factors plays into inadequate performance and effect employee morale In addition attention must be given to personnel issues such as incentives for performance and reduction of reliance on simple numbers of cases handled as a measure of success

SPECIFIC RECOMMENDATIONS AND ALTERNATIVES

1 Inappropriate referrals

- The decision to refer cases should be subject to appropriate guidelines to be developed by the MOJ through a committee process This would result in the publication of referral standards These standards would then be the subject of judicial training through NCJS and would then be enforced through supervision and monitoring The MOJ should make it clear to the judges

that significant amounts of inappropriate referrals to the Expert offices will be a factor considered in evaluation of job performance

- The Chief Justice or his designee should review the referral decision as a matter of routine

Alternative This oversight function may be performed directly by the Inspection Department through in court personnel This review should include both the appropriateness and the timeliness of the referral Judges should be informed of this process and provided regular periodic performance evaluations These evaluations should then become a part of regular overall judicial performance reviews and future career progress criteria

A "quick action" in-house Department of Experts should be established within the court itself to deal with referrals of matters requiring speedy resolution of relatively simple and routine expert opinions In addition this Department should be empowered to deal with what may become known as Standard Referral cases These are cases not necessarily requiring speedy resolution but dealing with relatively routine matters within the field of expertise represented within the in-house office The result of this process would be the establishment of a system of Expert Office specialization in which cases would be assigned to the appropriate office based on the type of the case Cases needing either quick action or involving only minor degrees of expertise would go to the in-house office That office would be specifically staffed and trained to efficiently handle such cases Cases involving major or specialized expertise would continue to go to the outside office That office would be staffed and trained accordingly In addition the outside office would be reorganized to provide much more efficient service than in the past Alternative the Expert Department may be split into separate functions "Quick Action" "Standard" or "Complex" Cases may then be assigned to the appropriate function within the office Standards and guidelines should be developed by MOJ covering all three kinds of referrals and judges should be trained as to those cases qualifying for referral Quick action cases should be subject to special time standards for disposition Cases of an unusual and non-routine nature should be referred to the out of-court Expert Office or the appropriate special division within that office

- Selection of cases for referral to either of the Expert Offices should be reviewed and subject to supervision and veto by the Chief Judge or his designee A system of Triage should be developed by MOJ to accommodate this process

Alternative the Case Manager (Civil Prosecutor) office should be empowered to engage in such "Triage" of cases in which requests for referral have been granted This "Triage" process would take a decision as to which level of effort should be expended on creating an expert opinion and by which office it should be conducted

2 Decision to refer – timeliness

- Parties requesting referral to Expert Offices should be required to pay a standard fee deposit within a set time following such request Failure to pay on time should result in an automatic denial of such request

Alternative Additional costs (sanctions) may be imposed for late payment however the goal is not to collect more money but to assure compliance

- The opportunity to request an expert opinion should be restricted to a specific time (e.g. 60 days) following case service Requests after such date should be discretionary with the court and judges should be discouraged from routinely granting such requests

Alternative late requests may be subject to additional costs or sanctions also however the same considerations as stated above should be noted

- Judges should be encouraged to make timely decisions in regard to referrals on their own motion MOJ approved guidelines should be established and judges trained on such guidelines Such decisions should be subject to review and evaluation on timeliness issues Judges should be provided feedback on performance in this regard
- Service should be required only on opposite parties The moving party should be required to sign a waiver of service as a part of the process of filing an expert request Likewise in court initiated expert referrals wherever possible they should be announced in open court in order to minimize the necessity for service on any parties except those who are not present at that particular court session Procedures should be adopted in the Service Department to assure priority handling of notices in regard to expert referrals
- Hearings should be required within 30 days of service of the request for expert referral on opposite parties The Court should set presumptive dates for hearings at the time of filing of the request Only in the event that one or more parties are not served should this date be continued Any continuances granted should be for the minimum amount of time to allow for service Judges within one-week following the hearing should make a decision on such requests

3 Improvements in Expert Office processes

- Guidelines should be established by MOJ for setting priorities for handling of cases within the Expert Offices Office staff should be trained on the use of the guidelines
- Procedures for assignment should be adopted to expedite such assignment These procedures should be automatic and should not require supervisory review except in unusual circumstances Experts should be grouped by case types and cases should be assigned on a random rotating basis
Alternative one supervisor having regard for special degrees of expertise among Expert Office employees may assign Cases This process should be driven by a policy requiring a decision within a specified amount of time (e.g. one week)
- Performance of experts should be based on a system of reward for actual work done and quality of work, rather than merely number of cases completed A system of performance based incentives should be developed by MOJ and monitored by the Inspection Department and/or the Chief Justice or his designee
- In the event of necessity of referral of cases back to the court for clarification of request for opinion the case should be maintained as an open case in the Expert Office until it is returned and ultimately completed These cases should not be counted as closed by either the assigned expert or the office itself Upon return from the court the case should go to the original assigned expert for future action In no event should cases be considered closed until the Expert Department issues a final opinion
- Tracking records should be kept both at the Court and at the Expert Offices allowing monitoring of status of referred cases This system should be automated These records should be monitored on a continuous and regular basis and evaluation reports transmitted to the Expert Offices Career advancement should be based in part on these evaluations

4 Improving the quality of expert personnel

- Standards for recruitment and employment of experts should be reviewed and updated to provide higher standards of education training and experience Experts should be interned to experienced mentor experts for a specified period of time and should receive periodic retraining through NCJS Career advancement should be based in part on successful completion of ongoing training requirements and improved performance not merely longevity
 - Experts should be required to have a Bachelor's degree in a field related to their work as a minimum and should be required to pass a comprehensive exam before rendering their first opinion
Alternative The hiring of all experts should be a function of a special department of the Expert Office, should be hired on a one-year probationary status, should be reviewed and subject to veto by MOJ
 - An expanded private expert force should be recruited in various specialized fields with appropriate compensation necessary to attract qualified candidates
 - Specialized experts to deal in identified fields (e g Bankruptcy, Labor Contracting) should be developed within the in house Expert Department These experts should be supplemented by outside specialists from the private expert force Cases involving those particular fields of expertise should be assigned to that Expert Department
 - Litigants who retain attorneys should be encouraged to utilize their own private experts This concept should be explained to judges with the advice and encouragement to discourage usage of the public Expert Offices
Alternative Such litigants should be charged fees for the use of the public Expert Office commensurate with actual costs to render opinions
- 5 Reforming the transmittal process
- A template for court referrals to the Expert Offices should be developed and judges required to submit all requests for opinion in typed form and in accordance with the template Both judges and Expert Office personnel should be trained in the use of this template No request for expert opinion should be accepted unless submitted in proper form
 - Except in specified cases (e g forgery) photocopies of significant selected case documents not originals and not the whole file regardless of content should be transmitted to the Expert Offices Original files should be maintained in the Court Policies should be established by MOJ governing what documents should be included in file copies sent to the Expert Offices Needs for allowing viewing at court through the court reading room should accommodate review of additional court documents by experts
 - Guidelines should be developed to govern referrals back to the court from the Expert Office and such re referrals should require supervisory approval Expert office personnel should be trained on the guidelines and such re-referrals should be monitored and evaluated
 - Wherever possible electronic technology (email fax) should be utilized to clarify requests for expert opinions rather than transmittal of expert files Such requests should be submitted in a standard form directly to the requesting judge Judges should be required to respond to such requests within a stated time frame Such responses should be monitored and evaluated
- 6 Improving the physical workplace and work incentives

- Experts should be provided with private office space for the purpose of conducting private interviews of litigants and witnesses where necessary
Alternative In the event that individual private offices are not feasible conference rooms should be made available for scheduling for such purposes as needed
- Experts should be housed in a facility that is user-friendly and accessible to the public in order to facilitate necessary contact with experts by attorneys litigants and witnesses This should apply both to the outside Expert Office and the in-house Department of Experts
- Appropriate research facilities should be provided for experts including text material related to fields of expertise computer access to legal databases and Internet capability
- Incentive plans governing the Expert Office should be developed and published by MOJ These plans should place a premium on performance and should provide for ongoing monitoring and evaluation of expert work product Career advancement should be based in part on results of such evaluation

SERVICE

CURRENT PROCESSES/PROBLEMS

The service department and its very important function is one of the larger bottlenecks in the civil justice system. They are inundated with requests. This and many other factors which are listed below results in service not being completed quickly. The service department interfaces with the case initiation, case management, claims, deposits and execution processes of a civil case. Without an efficient and effective service process cases do not get started, processed or completed in a timely manner which delays the entire civil justice system.

The service department has not yet been surveyed. The information in this report and recommendations are based on data gathered by consultant David Steelman and information gathered from judges and court employees subsequent to Mr. Steelman's visit.

1 Completion of service takes too long

Eighty percent of process such as writs of summons are not served the first time. This is due to many factors including poor addresses and litigants who are difficult to find. This frustrates and delays the entire system and deprives litigants of their right to their "day in court".

2 The organizational and management structure of the service department appears to be overburdened and not sufficient for the large scope of service operations

The central service management office supervises operations in each of 17 districts served by 12 partial courts with a minimal staff (4) and 26 inspection employees. The management and supervisory practices are in need of review and reorganization. The service department also has a separate unit for service of Egyptians or any other persons living abroad and military members. This unit serves the entire country.

3 The activities of the service department need better procedures and tools with which to monitor and manage their important work

A better system of monitoring referrals to the service department needs to be implemented both from the court side and within the service department. The court must have a means to monitor and take action in cases where there are problems with service. The service department needs to have this capability as well.

4 There is a lack of sufficient incentives for employees to fully perform their jobs

Service Department salaries are too low. Out of pocket expense reimbursement rates for service department employees are totally inadequate. Employees sometimes walk

to perform their jobs, which is a waste of time and extends the time it takes to effect service. Service fees are too low. The service fee schedule does not begin to offset the cost of the service employee's activity.

- 5 The service department does not have sufficient server personnel to adequately perform their jobs.

Service department staffing levels appear to be inadequate. It appears they are inundated with requests for service. The result now is that neither writs of summons, executions and other process are not served in a timely fashion thus adding delay to the case.

- 6 Service employees are sometimes threatened while trying to perform their jobs.

Servers are sometimes threatened, physically harmed or put into a compromising position by angry litigants. Police assistance, if available, is often not effective. This hampers the server to safely complete his job and again, adds to case delay.

OBJECTIVES FOR IMPROVEMENT

- 1 Reduce the time it takes to accomplish service of process.

Timely service of process is absolutely necessary for the effectiveness of the justice system. The extent to which this process is delayed is a direct cost to the effective delivery of service to the public.

- 2 Survey, and reengineer the supervisory and management structure of the service department.

After the survey is completed the management and supervisory system should be restructured to provide stronger management oversight of all service department operations.

- 3 Provide CMA tools to support the service department in the monitoring and management of their caseload.

Computer technology should be applied to the management and operation of the service department in order to eliminate redundant data collection and to provide clear management information. This will give the court and the service department an important tool with which to improve the overall management of the department.

- 4 Provide tools and incentives for service employees to perform their jobs more efficiently and effectively

Currently service department employees do not have the necessary resources and incentives for them to professionally and efficiently perform their jobs. These items need to be supplied to all employees in the department and should include use of a computer based tracking system.

- 5 Identify the appropriate level of staffing and assist in obtaining that number

The results of the survey will help determine whether or not additional staff is needed in order for the service department to meet its commitments. Regardless of the outcome the staffing levels need to be analyzed and addressed.

- 6 Provide the appropriate level of security for service employees

Employees should not be placed in situations that are dangerous or places them in potentially compromising positions while performing their duties. They should be provided security assistance whenever it is needed.

SPECIFIC RECOMMENDATIONS AND ALTERNATIVES

These recommendations are interim in nature and should be considered with the results of the survey of the service department after it is completed.

- 1 Reduce the time it takes to accomplish service of process

Steps should be taken to identify and obtain alternative sources of addresses and telephone numbers such as the electric utility company, the telephone company and other institutional entities. These address sources should then be made available to all service employees. More service by registered mail should be considered. In conjunction with this the MOJ should seek a rule change to allow a certified copy of the writ of summons to be served or the original to be served on the defendant. A service unit should be placed within the court under the court's control. The unit could be used to serve process of any type as required by the court. For example the court may wish to use its servers to serve writs of summons in cases which it has been difficult to locate the defendant or in cases which are very old.

- 2 Survey and reengineer the supervisory and management structure of the service department

Design a better performance and management information system to monitor the turn around time to issue service using computer resources wherever possible Provide supervisory training to all service department managers (the training to be provided court managers would appropriate) Develop a strong employee management and performance monitoring system, which emphasizes employee accountability Introduce a stronger management and supervisory component so that the standards for the office are enforced and maintained Ensure that all employees are trained according to clearly defined performance standards

- 3 Provide CMA tools to support the service department in the monitoring and management of their caseload

An automated work scheduling and tracking system would enhance the ability of the service department to more effectively manage Data entry into the computer will reduce redundancy, save time, decrease errors and will be used in reports to aid supervisors and managers in their monitoring of service department operations An example of the information will be daily referrals, by case, to the service department and the disposition of each of those referrals including elapsed time

- 4 Provide tools and incentives for service employees to perform their jobs more efficiently and effectively

Develop an employee bonus system for those employees who exceed the requirements of their jobs, i e , serve more documents in a shorter period of time than the office standard Provide appropriate levels of resources and tools such as better lists of addresses, equitable travel reimbursement, adequate equipment and office supplies so the service department employee can more effectively perform his or her tasks Establish service fees at a level that accurately reflects the work performed

Alternative Privatize the service process and provide a reasonable table of fees for payment for the service of various documents Develop a set of standards for the licensing of private process servers including provision for withdrawing their license if the standards are violated Control of this function should be under the MOJ

- 5 Identify the appropriate level of staffing and assist in obtaining that number

The level of staffing will be an item to be evaluated during the survey Recommendations will be made in this regard after completion of the survey

- 6 Provide the appropriate level of security for service employees

Provide appropriate security assistance to ensure those service employees are not threatened or coerced This would preferably be the responsibility of an MOJ police force trained in all aspects of court related security Provide employees with police powers and the necessary training to successfully execute those powers The training

should be provided by trained police officers and again, preferably by a police force internal to the MOJ

CRITICAL TASKS TO IMPLEMENT RECOMMENDATION

- 1 Complete the survey of the service department possibly utilizing a consultant
- 2 Develop new job descriptions and performance standards
- 3 Develop and implement a comprehensive and continuing training plan for both new and present employees
- 4 Redesign the work related expense reimbursement system
- 5 Design and implement the management and performance monitoring system using the CMA wherever possible
- 6 Provide appropriate security for service department employees

CLAIMS & DEPOSITS

Conceptual Design

CLAIMS

CURRENT PROCESSES AND PROBLEMS

- 1 The losing party pays claims fees The winning party is entitled to have an executionable copy of the final judgment even though the claims are not paid by the losing party
- 2 Enforcement of paying the final fees of the judgment is very difficult for most courts
- 3 The claims process is too complex, cumbersome and time consuming
- 4 Litigants do not get closure of their cases within a reasonable time, which leads to frustration and dissatisfaction with the justice system

- 1 The losing party often does not pay the final fees after judgment

It is very easy for the losing party to not pay claims fees Only 15% of fees assessed are collected There are many reasons for this low collection rate The main reason is that the losing party files a claim against the execution (execution claim) which delays the payment of the fees Other reasons are that the losing parties change their address or they claim to not have the money, or their property value is not sufficient to cover the amount of the fines The server often does not have effective assistance while executing the judgement They file an execution claim against the execution and appeal the case or they claim the property to be executed against is not theirs

- 2 Enforcement of judgments is very difficult for most courts Enforcement of judgments is a difficult process because the losing party often invokes legal procedures to challenge the judgment, sometimes the judgment is not clear, and sometimes the server is unable to serve the judgment Frequently judgements are not successfully executed because the losing party has insufficient resources to pay the judgment
- 3 The claims process is too complex, detailed, cumbersome and time consuming

The entire claims process, including the seizure and auction activities can take as long as the time it took for the case to reach judgement There are too many steps that must be accomplished which, in the end, rarely result in the successful collection of the claims fees and the judgement being successfully executed There are a large amount of resources and staff applied to the claims process for little benefit to the litigants and the court

- 4 Litigants do not get closure of their cases within a reasonable time
This is the usual situation in those cases with judgments that include money due
This leads to frustration and dissatisfaction with the justice system

OBJECTIVES FOR IMPROVEMENT

- 1 Streamline the claims filing, assessment, processing and collection systems
- 2 Collect more of the fees assessed
- 3 Create a system to enforce collecting final fees of judgments in a more timely manner
- 4 Create a more professional management and supervisory structure

- 1 Streamline the claims filing, assessment, and processing and collection systems

The present claims filing, assessment, processing and collection process is a lengthy, bewildering and frustrating one which takes entirely too long. The present claims process must be shortened so that the court is reasonably assured of successful execution of the final fees of the judgment within a relatively short period of time.

- 2 Collect more of the fees assessed

Presently, only 15% of assessed claims fees are collected. The total estimated amount of fees assessed but uncollected is LE 47,000,000. To allow parties not to pay claims fees assessed against them is a mockery of the judicial system. Present collection procedures need to be reviewed and new procedures developed which will drastically increase the collection rate. This will achieve the important goal of ensuring the losing party is performing his duty in the case and taking responsibility for his actions.

- 3 Strengthen the system to enforce collection of final fees of the judgments in a more timely manner

The enforcement of the collection of the final fees of the judgments must be easier to accomplish for the court and must occur within a shorter period of time.

- 4 Create a more professional management and supervisory structure

The design and implementation of a more effective and professional management and supervisory structure will go a long way toward improving the present claims process.

RECOMMENDATIONS

1 Streamline the claims filing, assessment, and processing and collection systems

Recommendation

- Assess a flat filing fee on the first LE 5000 of the value of the claim instead of the present LE 1000 of the claim, which is the present procedure This would result in a five-fold increase in fees collected at the beginning of the case and reduce the need to assess fees at the end of the case

Alternatives

- All calculations for claims and service be made prior to the judgment hearing or serve the litigants with actual costs to be assessed (or the estimated costs if the actual costs cannot be calculated) Direct the litigants to deposit a portion of the estimated amount of fees with the court
- More accurate addresses could be made available to the court and the service department by including this requirement to do so in the checklist given to litigants at case initiation and if the plaintiff and defendant were admonished by the court to provide valid addresses for all parties Additionally, litigants could also be admonished to submit any address changes to court as soon as they occur during the course of the case
- The following rules changes would simplify and strengthen the current claims process

Require the deposit of the full outstanding claims due amount when the litigant files an appeal in the case

Make the disobeying of paying final fees of the judgment order a criminal offense, which is similar to the existing criminal law provision regarding not executing the judgment

Create a service document, which directs the losing party to come to the court and pay the assessed fees and fines or to file an appeal to the order If he does not do so he would face criminal prosecution

- Eliminate the seizure and auction activities in the service department These activities are extremely cumbersome and time consuming and meet with very little success
- Establish court procedures that ensure that all fees and fines are collected immediately after they are assessed or the litigant will face a default judgment
- Develop public information packets regarding the rules and procedures for the assessment of fees, fines, payments, collection rules and methodology These packets would be made available at the front counter

2 Collect more of the fees assessed

• Alternatives

- Privatize the collection of fees and fines This could be accomplished by developing standards for the licensing of the collection agency and the collection procedures they are expected to follow The collection agency would get an agreed percentage of all fees and fines collected This system would provide more incentive to collect the monies
- Provide incentives for service department servers to collect more of the fees and fines due such as providing them a percentage of the total fees they collect
- Adapt and modify the Egyptian tax collection system to suit the needs of the court system for the collection of overdue fees and fines
- Create a special collections enforcement unit with the court to enforce present court rules and laws concerning claims procedures This unit should be comprised of prosecutors, special service department and police officers These individuals would be assigned to this special unit for the sole purpose of following up on cases where the litigants have been dilatory in the payment of their fees and fines When necessary those who did not pay their fees and fines would be prosecuted

3 Strengthen the system to enforce collection of final fees for judgments in a more timely manner

Alternatives

- Make a rule change that allows service of documents on a litigant's attorney rather than to the litigant in person Include this information on the litigant's checklist that he is provided at case initiation
- Develop a computer-based system to follow up and monitor fee collection activity Develop a management reporting system to be used to identify and enforce the collection of fees and fines during the life of all pending cases and associated fees and fines related to the post judgment activity These systems should also report all income from fees and fines The systems should also be able to check to see if litigants filing new cases have outstanding fees or fines due

4 Create more professional management and supervisory structure

Alternatives

- Develop a stronger supervisory structure with training programs Also develop an employee-training program for the claims unit to include the clerical staff and service department employees, prosecutors and police officers that are assigned to claim matters

DEPOSITS

CURRENT PROCESSES/PROBLEMS

- 1 A payment of deposits from the court is a lengthy bureaucratic process
 - Non case related payments are made to the court's cashier and are registered by sequential number A copy of receipt is placed in a file and kept in the first instance court (daily in the the money is deposited 1st instance court safe) The service department notifies the beneficiary of the deposit
 - Case related deposits are assessed a fee by the deposit department according to set criteria There are a few exceptions however Other deposits are assessed fees in addition to case related fees For example fees on fines assessed against an attorney or an employee or experts expenses
 - Financial documents are to be kept for 15 years, 5 years on site after the last transaction in the matter Deposits held for more than 15 years revert to the court It is currently difficult to identify those cases and deposits that are more than 15 years old
 - The payee has to follow all steps in person in order to receive the deposit payment The deposits clerk makes the decision if conditions are met in order to issue the deposit The chief justice has to sign all payment approvals after review and approvals have been received from the deposits manager and senior clerk Approvals may also require approval from the commercial department manager for bankruptcy cases The payee must hand carry the request to these offices for approval signatures as well Payments are often delayed because the interest period for the deposit has not ended, as the court does not want to lose interest earnings It takes 2 months or more for payment to be received
 - The service department interface with deposits When the court has received the deposit the service department notifies other party (debtor) of the deposit The debtor can withdraw the deposit 3 days after notifying payee through the service department (presumably if the payment is not picked up)

OBJECTIVES FOR IMPROVEMENT

- 1 Review and streamline the present claims process
- 2 Improve the personnel management and supervisory system

RECOMMENDATIONS

- Collect all criteria defined by the law related to deposits and their withdrawal Use this information to streamline the deposit process
- Create an index system that cross-references claims filings and deposits with the underlying case Ensure that this information is shared between the front counter, front office and the information services center Set up a separate claims and deposit station at the front counter to make it easier for parties to pay and to lessen crowding Have the related financial information posted to the case history in the underlying case or put a copy of the financial documents in the case file
- Have all claims and fee payments presently made to the courts be made directly to banks, not a mixed system as now The banks are more efficient in processing monies and have efficient transaction report systems They would provide documentation necessary for tracking all payments and withdrawals The service by the banks could be paid from interest earnings from the "float" This procedure would lessen the number of people coming to the courthouse
- Establish a standard set of rules, regulations or a decision table for clerks to follow to limit discretionary decisions regarding the release of deposits and the setting of fees Establish a chart of accounts for all deposits Assess a flat administrative fee for all deposits or have 3 or 4 categories of fees for different kinds of deposits Dismiss the case if certain fees are not paid within a reasonable period of time Reduce the number of signatures required and designate someone other than the chief justice to sign payment approvals
- Propose a rule change to eliminate the ability of 3rd parties to claim deposits Only the designee in the deposit should be able to withdraw the deposit Require certifications from the payer and payee that they have no other cases or claims pending before the court when filing for payment of a deposit Also, require a certification that parties are not involved in any bankruptcy proceeding This information could be obtained from the computerized court database
- Strengthen the supervisory/management framework within the deposits function Design a system that provides accountability, responsibility and incentives for employees Review and update the inspection (monitoring and evaluation) system for employee work product and performance Develop and maintain an ongoing management and supervisory training system
- Develop a new system for transporting all deposits and fees collected by the court from the court house to the banks The bank's secured vans could pass by the courts

(partial and 1st instance) The present procedure exposes partial court deposit employees to great dangers in having to carry large amounts of money to the 1st instance safe and then to the 1st instance court deposit desk Employees have to carry all amounts collected from all partial courts to deposit in the banks every day.

TYPING POOL

Conceptual Design

The Typing Pool is a centralized typing service for all civil circuits producing orders and judgments for the judges of the North Cairo Court of First Instance. AOJS surveys of the typing pool indicate the present processes can be improved a great deal to produce better quality and a shorter production time for the court's orders and judgments. These processes will also need to be modified to accept the introduction of automated word processing.

CURRENT PROCEDURES AND PROBLEMS

The following problems were identified by the Conceptual Design Team as the key elements to be addressed:

- 1 Typing Pool facilities are inadequate and crowded
- 2 Typing and office equipment is out of date and in poor operating condition
- 3 Typing Pool production is well below the level it could be
- 4 Lack of management and supervisory structure
- 5 Lack of sufficient work organization and procedures

- 1 Typing Pool facilities are inadequate and crowded

The typing pool is located in 3 non-contiguous rooms on the second floor of the old North Cairo Court Building. There is a supervisor in each room. The typing rooms are not clean, poorly lit, with no heating or cooling systems and the workspaces for the typists are small and cramped. The noise from the typewriters is almost unbearable to the workers. The workers also complain about aches and pains from working in such conditions. The 3 rooms are on corridors used by the public, which could lead to a compromise of the confidentiality of the judge's documents.

- 2 Typing and office equipment is out of date and in poor operating condition

There are a total of 70 typewriters, 10-15 % of which are usually not working. Most of the typewriters have missing letters. The typewriters are non-electric and thus non-correcting and without any memory capability. If an error is made the entire document has to be retyped. Maintenance service on the typewriters is often slow and sometimes results in

typists not being able to type because of no available typewriter Desks and chairs are in very poor condition and of the wrong design for typing

3 Typing Pool production is well below the level it could be

In the North Cairo Court of First Instance there are 68 typists most of whom are below average in typing speed and accuracy Most of them are 35 to 45 years old There are no formal training courses available to them Many of the typists suffer partial hearing loss and problems with their hands and arms Rulings average 4 to 5 pages each but take 1-2 weeks in the typing pool before they are returned to the circuit clerk to be given to the judge An average of 1 out of 3 judgments is returned to be retyped due to errors

4 Lack of administrative management and supervisory structure

There are no employee performance standards and no effective performance evaluation system The work schedule for the Typing Pool is 8 00 a m to 2 p m In reality the average workday for a typist is about 3 hours This is due to many excused and unexcused absences as well as numerous breaks taken during the day Supervisors do not adequately control the workforce

5 Lack of sufficient work organization and procedures

There are no standard procedures for the formatting and production of judgments and orders Each typist has her own formatting style There are some assignments of typists to circuits but if the typist is absent that circuit's work is delayed until the typist returns Circuit clerks do not always give the work to the typist in a uniform manner, which causes wide fluctuations in the typist's pending workload Employee workload production records are not kept beyond the current year The managers review the work of only the weakest workers (approximately 15% of the output) The judges review and correct the rest

Objectives for Improvement

Based on the analysis that was done of the Typing Pool the following list of objectives were established by the AOJS Project

- 1 Redesign the existing administrative management and supervisory system
- 2 Secure better working areas for the Typing Pool staff
- 3 Redesign the workflow procedures in the Typing Pool

- 4 Provide Typing Pool staff with current word processing equipment and programs and provide appropriate office equipment such as chairs and typing tables
- 5 Develop a training program for the new equipment and workflow procedures
- 6 Develop job performance standards and incentives
- 1 Redesign the existing administrative management and supervisory system

It is clear from the analysis of the North Cairo Typing Pool that its management and supervisory component needs to be redesigned and strengthened particularly if word processing equipment is to be installed. The supervisors must be provided training in management and supervision then must be given more authority and incentive to actively manage the workers and the workflow of the office.

- 2 Provide a better working environment for the Typing Pool staff

The existing Typing Pool facilities are inadequate. The typists must have sufficient space within which to work and the climate in the office must be controllable to a level that is comfortable to both the typists and the computer equipment that will be installed. This requirement includes a reduction in the dust and dirt in the air. The area also must be well lighted and noise kept to a minimum.

- 3 Redesign the workflow procedures in the Typing Pool

The process of assigning work, formatting the text of judgments and orders, typing, correcting errors and proofing the final product needs to be redesigned. The assignment of work to the typists is not evenly distributed nor is their production rate adequately monitored to allow the supervisor to effectively manage the workers and ultimately the production of the Typing Pool. Desk manuals need to be created and maintained for the office and for the individual typist. This will provide uniform standards to guide the employees throughout the entire document production process.

- 4 Provide Typing Pool staff with current word processing equipment and programs and provide appropriate office equipment such as chairs and typing tables

The existing typewriters need to be replaced by modern word processing systems with PC workstations and an adequate number of high quality laser printers. This will allow the trained typist to type documents more rapidly, correct them and put them into final form with a more professional result. Appropriate desks, chairs and other equipment such

as copyholders need to be provided for the typists to enable them to type more comfortably and to minimize potential physical problems

5 Develop a training system for use of the new equipment and workflow procedures

The typist's speed and accuracy skills need to be improved. Recent typing test results of 58 North Cairo typing pool workers indicated only 30% of the typists could type at 40 words per minute or more. Forty seven percent of the typists had an error rate of 3% or less. Some of the low typing speed and accuracy could be attributed to the present working conditions and equipment. Never the less the production of the typing pool will be much better with appropriate training programs. The Ismailia typing pool employees were not tested.

6 Develop job performance standards and incentives

The jobs in the typing pool should be surveyed, classified and new job descriptions developed. From this information work production standards can be established which will serve as the basis for evaluating each employee's work. An incentive system should be developed to recognize and reward those employees who produce at a higher level than other workers.

SPECIFIC RECOMMENDATIONS AND ALTERNATIVES

1 Centralized Typing Pool

- All typing is done on a modern word processing system. Typists are organized into large groups with work dispatchers and proofreaders. The work assignments are assigned to equalize the typing load amongst all typists and the proofreaders review all work products before they are sent to the judge for review and signature.
- The judge hand writes his judgments and orders and gives them to the circuit clerk who in turn gives them to the Typing Pool work dispatcher to be typed.

Alternative (after the judges receive their PCs)

The judges type their judgments and orders on their PCs and then sign them and forward them to the circuit clerk to file in the case or, send the documents to the typing pool in electronic format, by floppy disk or electronically, in a secure fashion. The documents will be reviewed and formatted by the typist and returned electronically or by floppy disk to the judge for his final review before he has it printed out and signs it.

As a practical matter the above alternative will most likely exist along with the traditional typing pool model as some judges will elect to do their typing while others will elect to use the typing pool. Thus it will be a parallel system.

2 Alternative Decentralized Typing Pool One Typist in Each Circuit Unit

- Assign a typist to each circuit to be responsible for typing and proof reading that circuit's judgments and orders. The typist will be physically located in the circuit clerk's office. The typist would also work as a data entry clerk for the circuit in support of the case management system. For example the typist could assist the circuit clerk by entering data into the case history management file from the court hearing minutes.
- There will also be a small pool of stand by typists to fill in when the circuit typist is away or if there is a special circumstance requiring additional typing assistance.
- This alternative could be implemented in incremental stages after the central typing pool has been established and is operating successfully.

Alternative

Implement the decentralized typing pool alternative in the 3 experimental panels (9 circuits) before the word processing equipment is installed. This alternative can be implemented regardless of the final typing pool design because it is confined to the 3 experimental panels. This is the work unit model described in the Hearing Support document.

- A typist will be selected for each circuit by the chief justice from the existing typing pool or they could be new hires based on the new hiring criteria.
- The assigned typist will type each circuit's judgments and orders.
- Each circuit clerk and typist will begin functioning as a circuit "team".
- If the typing workload allows, typists will be given other clerical work to assist the circuit judges or circuit clerk.
- The 3 panels (9 circuits) will be moved to the assigned circuit offices as soon as practical.
- The circuit clerk and typist work spaces in the circuit office will be prepared as much as possible to follow the AOJS recommendations for a suitable work environment.
- The circuit clerks and typists will receive training in the case management and word processing systems respectively when those training programs are available.

3 Elements Common to Both Recommendations 1 and 2 above

- Existing typing Pool job functions will be reviewed to determine the complexity, level of effort required and the skills needed to perform the job. Next the jobs will be reclassified into updated job categories based on the information gathered. This information helps to determine what pay level is justified. Finally, new job descriptions will be developed which reflect the newly reorganized duties. These job descriptions will describe exactly what the employees are to do on a daily basis. Employee work production standards will be established for employee performance monitoring and evaluation based on the job descriptions. These standards will include minimum daily page rate, incentive page rates, minimum allowable error rate and adherence to standard document formats. This will provide a clear guide for the employees and their supervisors as to exactly what they are to do while at work. It also provides a framework within which the supervisor can more effectively monitor the individual's work performance and the overall performance of the unit. This will allow better productivity.
- Screening criteria for selection of typists will be provided the MOJ to include minimum typing speed, error rate, and level of education, training and experience with computer keyboarding, word processing.
- The individual typists will be trained in keyboarding, word processing and improvement of their typing skills as necessary.
- Offices selected for the typing pool will have adequate individual workspaces for the typists, an area where the documents can be processed for distribution and an area for the supervisor. Adequate lighting, temperature control and noise abatement systems will be installed in the employee work area.
- Work stations including chairs, desks and work surfaces will be of appropriate design to minimize physical stress associated with sedentary long term typing activity and to accommodate typists of different sizes.
- Application software will be provided for the dispatchers which will enable them to monitor all typing assignments including which circuit sent the assignment, which typist was assigned, when the job was finished and when it was delivered to the judge. The dates and times of the above events will be recorded as well. This system will be a tool for the new administrative management and supervisory system.
- Until the system described above is operational a manual monitoring and document control system will be designed with the same characteristics and will be implemented.
- Work procedures will be reengineered to provide a smoother and better managed document production system. The creation of these procedures will also enable all employees understand their duties and responsibilities under the new system.

- Computer macros (short cuts) will be created as links to the case management history data to allow case events to be imported into judgment documents as needed by the judges or the typists. An example would be transferring the titling of the case thus not having to have to type it anew on the judgment
- In all cases the computerized text of the judgments and orders will be kept in the computer database until the original judgment or other document has been signed. After that has occurred a printed copy will be scanned into the electronic archive system and the text in the typist's computer system deleted

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JUDICIAL INFORMATION CENTER

Conceptual Design

The Judicial Information Center is the agency responsible for providing automated systems for the MOJ. As such, it is an integral part of the AOJS project. In addition to a role in the planning and implementation of project automation activities, the JIC will be the designated MOJ agency for ongoing support and ultimate replication of all project-developed automated systems.

A concern has been expressed by MOJ as to the organizational ability of JIC to fulfill this role. Primarily this concern relates to issues of leadership, administrative experience and staff competence. These are general organizational, rather than technology issues. It is apparent to both MOJ and AOJS that the JIC must have a certain level of organizational competence in order to adequately fill its role as the successor operational agency to AOJS in automation projects.

In order to accomplish this level of competence a significant effort of detailed study, development of specific recommendations and implementation of administrative reforms will be necessary. In general we believe the following items should be considered in connection with JIC.

CURRENT PROCESSES AND PROBLEMS

As a result of some 18 months of experience working with the staff and leadership at the JIC and the completion of the JIC survey, AOJS has reached the following basic conclusions in regard to organizational needs. The correction of these deficiencies is not absolutely necessary to assure ultimate project success; however, a significant future effort by MOJ is strongly recommended. In the long run, the ability of JIC to assist with future automation developments and assure adequate replication depends on these reorganization activities. In general, the primary and most immediate organizational deficiencies are as follows:

- 1 Overall organization is disorganized and lacking vision, mission and direction
- 2 Internal JIC administrative procedures are undefined and haphazard
- 3 JIC is lacking basic technical information and research capacity
- 4 Essential future strategic and budgetary planning must be established
- 5 Personnel management philosophy and procedure must be developed
- 6 A new physical facility and infrastructure must be created

- 1 Organizational vision, mission and direction

It is a given that any organization must have a vision as to what purpose the operation is intended. It is not enough to say "go forth and do good things." The establishing body (in this case the MOJ) must articulate a sense of where the organization is expected to go and how it is to get there. This statement of purpose starts with a 'vision' document that is designed to provide direction to the institution as to the perceived needs of the parent organization and how the newly created organization will be expected to fulfill those

needs Here the MOJ working with a management consulting organization should undertake a joint strategic planning process with JIC to define the mission and operational direction for the future role of the JIC This exercise would provide an opportunity for all parties to participate in setting future goals and objectives for JIC and to give a clear message to the management and staff of JIC as to what it is they are expected to do In turn this sense of direction would provide incentive and accountability to JIC for future performance

2 Internal administrative procedures

Once a clear mission and specific goals and objectives are created the next step to assuring adequate performance in any organization is creating the administrative structure necessary to carry out these goals and objectives In the case of the JIC there are a whole host of administrative systems to be defined and created Such items as management structure, personnel monitoring and evaluation of work product training and many others are unmet needs at JIC Each of these fits into an organizational structure that is defined by it s administrative policy and procedures MOJ should require it s management consulting firm to provide a clear vision of what the organizational structure should be and develop the internal administrative procedures necessary to carry out that vision

3 Technical information and research capability

The work product of the JIC is highly technical in nature The success of such work depends upon reliable and continuous access to the latest in technical information The JIC is severely hampered in its work by a lack of knowledge of current technology and the ability to get at the information During the course of the project the AOJS team, with significant help from its partner NCSC, is providing this expertise However in the long run JIC will need to develop this expertise in-house and assure the ability to continue to access outside technical information Therefore MOJ and JIC should be planning for future development of this capability The AOJS project team is willing to advise in regard to the type of technical information necessary for future JIC activity

4 Future Strategic and Budgetary planning

As a part of general administrative reform at JIC the subject of future planning capability must be addressed It will be necessary to develop and train internal JIC management level personnel in this process and to set in place an ongoing annual process of strategic review and budget planning In addition the MOJ should assure that sufficiently qualified staff is provided to monitor work progress and expenditure levels on a regular basis This will require staff analysis and supplementation as well as structural reform These changes should also be within the scope of work of a future management consultant retained by MOJ

5 Personnel management – philosophy and structure

In the area of JIC personnel management several reforms are called for First the general philosophy of personnel management should be examined for JIC, just as has been recommended for the courts The concepts of accountability, reward for high performance and sanctions for low performance, general work ethic pride in accomplishment, etc etc must be built into the system In any technical area such as that occupied by JIC (or the courts themselves) these values relate directly to the quality of the work product produced by the organization Once these principles have been established the necessary personnel structure including specific goals, objectives and procedures must be adopted In this way the ability to do the job will be matched with the overall vision of the role of the JIC

6 JIC facilities and infrastructure

It has already been recognized by MOJ that in order to assure a quality result from JIC work it will be necessary to provide facilities at a level well beyond that which currently exists. It is therefore unnecessary to dwell on the current inadequacies here. Suffice it to say that the MOJ should immediately commission a facilities study at JIC and begin the process of locating and establishing a new home and appropriate infrastructure for JIC. The AOJS project is prepared to render technical assistance in this process and to make recommendations to MOJ in regard to the new JIC facility to be established. It is hoped that this will take place during the remaining term of the project so that this facility may be in place before ultimate turnover of project responsibilities for newly created automation products. It is also necessary to assure the effectiveness of the process of ongoing support and replication of AOJS products.

OBJECTIVES FOR IMPROVEMENT

The primary objective of the MOJ and AOJS should be to facilitate an expedited process designed to undertake the necessary management reform of the JIC. This process should begin with a management study of necessary administrative reforms at JIC including the development of management vision objectives and specific administrative policies and procedures. Following this study and the resulting recommendations a second phase of implementation of administrative reform should take place. Since the reorganization of the JIC is time-critical in connection with the necessary AOJS support and replication activities, this process should carry a high priority with MOJ and all necessary resources should be devoted to accomplishing it on a timely basis.

In addition to the administrative reform process the MOJ itself should internally undertake to begin the process of addressing the following needs:

- 1 Creation and implementation of a plan to provide technical access and research capability
- 2 Design, development and provision of new JIC facilities and infrastructure

In both of these areas the AOJS project is prepared to assist the Ministry in any way possible. This assistance might include the provision of JIC access to the AOJS-designed legal research system and access to technical research facilities in the US through AOJS to supplement MOJ initiatives in regard to technical research materials. It might also include additional technical assistance in connection with facilities planning and design. These needs for additional AOJS levels of effort should be discussed between MOJ, AOJS and USAID.

‘Replication Unit’

AOJS will define requirements for individuals with specific skills and experience from the JIC staff to be assigned to work with the AOJS project. The JIC will assign individuals matching the criteria to the AOJS project at a level of effort defined by the project. These individuals will be responsible for learning the support and replication skills and knowledge related to AOJS developed computer hardware, software, application and telecommunication systems. These individuals will receive training as required to develop these knowledge and skill sets. These individuals will participate under the direction of the project in computer systems implementation and support activities to develop and practice these skills. The AOJS project expects that these individuals will work under whatever management and administrative organization is then currently in place within the JIC. The AOJS project will not intervene in any other

management issues, systems development support operations agency reorganization or any other activities of the JIC As set forth below in the event that future funding is approved by USAID in connection with JIC management reform the role of AOJS in participating in such reform will be reevaluated

SPECIFIC RECOMMENDATIONS AND ALTERNATIVES

The Conceptual Design committee recommends the following

1 Independent consulting organization

- The committee recommends that the MOJ immediately begin the process of selection and deployment of an independent Management Consulting firm to undertake a process of study assessment and recommendation regarding needed JIC administrative reform These recommendations would then become the basis of a project to implement such reform at JIC This consulting firm should also be required to define the makeup scope of work and personnel allotment of the proposed "replication unit" which will be assigned to work with AOJS on future system development In connection with the selection and deployment of the consulting firm, the AOJS team would be available to MOJ to develop the criteria for selection and to assist in the selection itself if MOJ so desires AOJS also is willing to assist MOJ in defining the scope of work of such a consulting effort Finally AOJS would be available as needed to render advice to the MOJ consultants during the process of study and recommendation

To begin this process it is recommended that MOJ and AOJS immediately begin development of a detailed RFP for the solicitation of these professional consulting services At a minimum, such solicitation should include the following objectives (in order of priority)

- 1 Develop a program of complete organizational review
- 2 Engage in a strategic planning process to develop a vision and mission for JIC
- 3 Select an appropriate model and develop an appropriate organizational chart
- 3 Define internal administrative procedures and processes
- 4 Define personnel management philosophy and procedure
- 5 Establish future planning and budgetary processes

Following the receipt of recommendations from the retained management consultants in regard to the above objectives the actual work of implementing the systems necessary to achieve the results should be undertaken The method of accomplishing this will depend upon the allocation of future resources to AOJS During the period of the study, assessment and recommendation phases of the JIC management reform process by the retained management consultants, evaluation of the progress of the AOJS project and ongoing discussions will be underway between MOJ USAID and MIC in regard to future project funding Ultimately, as a result of this process the JIC implementation process could take one of the following forms

Alternative 1 In the event that funding is provided by USAID, it would be the intention of AOJS to proceed with implementation of JIC administrative reform as a project objective This would

include the establishment of the necessary human and automated features to ensure a fully functioning administrative component at JIC. In the opinion of AOJS, this approach is the preferred one. It would ensure that all aspects of JIC organization and operation would be compatible with the future need for support and replication of project deliverables and would clearly keep AOJS in charge of JIC management reform.

Alternative 2 In the event that funding for an AOJS project led effort of JIC reform is not forthcoming through USAID then support for this reform process will have to come from other funding sources. Depending upon the source of this financial support and the desires of the provider the work of actual implementation may be done by AOJS outside consultants or a combination of the two. Regardless however of what form this work effort takes it is strongly recommended that these decisions be made early during the consultant planning phase so that it can be assured that implementation will proceed in one manner or another immediately following the receipt of consultant recommendations.

Ultimately whichever funding approach is taken to providing needed administrative reform at JIC it must be assured that all work done is compatible with the need for future support of AOJS supplied automated systems and the wishes of MOJ for future replication.

MISCELLANEOUS ITEMS

COURT FACILITIES – COURT ORGANIZATION – WORK ETHIC &
COMPENSATION – PROCEDURES MANUALS – STANDARD FORMS
BENCHBOOKS – LEGAL RESEARCH – JUDGES WORK SPACE
AUTOMATION PLANNING AND TECHNICAL SUPPORT
FEE GENERATION – BUDGET PROCESS

Conceptual Design

In each of the above areas various problems exist which will be the subject of the Conceptual Design process and which will require recommendations for improvement of procedures and processes. In view of the volume of various functions, however, it is impossible to review each of them individually in exhausting detail as part of the overall review of CD recommendations. Accordingly, this document seeks to outline the highlights of the approach taken to each of these areas. As the project progresses and the work effort reaches each of these areas more detailed plans and recommendations will be forthcoming.

CURRENT PROCESSES AND PROBLEMS

Overall the above areas of concern focus on a number of functions that are individually important but not critical to the design of the Pilot Courts. Collectively however they represent significant problem areas that effect the operation of the courts in many ways. Accordingly AOJS has given a critical look to these areas and has noted the following problem areas:

- 1 Future needs for court facilities need more definition
- 2 Court organization, future management and personnel needs need review and determination
- 3 Procedures are largely undocumented, forms need modification checklists are non-existent
- 4 Long-range automation plans need updating and refining
- 5 Legal research tools for judges are very limited
- 6 Budget processes accounting assessment and collection of fees need upgrading
- 7 Such 'New Wave' court principles as judicial specialization Differential Case Management (DCM), ADR and case tracking must be studied, possibly implemented and appropriate training established

1 Future facility needs

The MOJ should become heavily involved in a review of current facilities, particularly in the courts and begin the process of determining future needs, particularly with the Pilot Court design in mind. As the process of development of the AOJS design proceeds facility and other physical infrastructure needs must be documented and future plans considered. As most of this future development work will post-date the project this will become an MOJ responsibility exclusively, however the project team should be aware of

these future needs and be prepared to make recommendations to the MOJ in this regard during the life of the project. This need should be built into the AOJS future work plans and should be a priority for the Court Administration Team.

2 Court organization needs

Like the need for physical facilities needs assessment, the need for organizational reform transcends the life of the AOJS project. The development of the Model Court depends upon the creation of new work styles, work ethics, management styles, and personnel systems which, in many cases, will dictate the success or failure of the reform effort. Accordingly, the MOJ and the project will have to be sensitive to these needs and to lay contingency plans for the adaptation of systems to address these needs both during and after the project.

3 Undocumented procedures

MOJ has instituted a program of judicial reform. This program is generic and not solely dependent upon the AOJS project, although the project is an integral part of the process. It has become apparent to those studying the existing system as well as those planning future changes that a serious need exists for documentation of systems, both existing and future. Much of the real benefit of the good work of the Ministry to date, and the long term gains made through the project, will be lost if not properly and adequately documented. Accordingly, it is necessary that both MOJ and AOJS address this need and set appropriate procedures in place to assure such documentation. This will be especially important during the implementation phase of the AOJS project. It will also be necessary for MOJ to review progress to date and assure such documentation of past reform efforts.

4 Future automation support

Although this subject will be dealt with in more detail in connection with the work at JIC as it relates to project Task 6, it is worthy of mention here in the miscellaneous category also. The need for an overall plan for future automation goes well beyond the requirements of Task 6. It involves the need for a stable system over the next several years, requiring a permanent organizational structure for monitoring, planning, and future implementation. This will require that MOJ establish an appropriate permanent oversight function which would direct the future of JIC and the legal research component established during the project. This oversight organization would also be required to direct future automation replication efforts.

5 Legal Research

As above, this is partially a function of JIC since the automated part of legal research is to be done under the direction of that institution. Additionally, however, it should be noted that there are additional important legal research needs that cannot be met through automation. These needs go to the very heart of the judiciary's ability to put out a quality product and ultimately effect the credibility of the legal system. Although AOJS surveys of court users indicate that the judge's legal ability is among the most frequently cited positive factor, the need for appropriate research tools is also apparent. Thus, MOJ should make plans to reassess the current state of legal research aids and to supplement these as necessary to maintain the high level of performance for which the Egyptian judiciary is well known.

6 Budget and other monetary concerns

Well beyond the scope of the AOJS project but extremely important to the future functioning of the MOJ is the need for coherent budget and fiscal processes. While the Model Court has certain financial aspects that will be part of the design, the overall budgetary and fiscal policy of the MOJ is a much larger issue. On the other hand, the court design and especially future replication and development depend on sound management of fiscal and budgetary policy. Accordingly, the MOJ should engage in an effort to bring this process under control and to modify current practices to accommodate the changes made as a result of the establishment of the Model Court.

7 New court technologies and concepts

During the development of the Pilot Court model as well as other aspects of the AOJS project, various new approaches to management problems will be suggested. The team and its MOJ counterparts will advance such ideas as judicial specialization, Differential Case Management, Alternative Dispute Resolution, and other new technology and court reform suggestions. Each of these will require serious study, evaluation, and ultimately education of all the players in the court process. The MOJ should be planning for this integration process in a systematic way and anticipating the need for inter-disciplinary training in these areas. This will result in a cultural shift on the part of both the MOJ and the other players in the system to some extent, since cross-training of this type has not been a hallmark of past practices in Egypt.

OBJECTIVES FOR IMPROVEMENT

As a result of the analysis set forth above, the following objectives have been established by the AOJS project in connection with the various Miscellaneous Items topics listed above. These are listed in order of importance.

- 1 Establish court and infrastructure and planning mechanisms for review and development of new court technologies and processes
- 2 Implement commission to consult on court organizational needs
- 3 Establish personnel hiring, training and promotional system
- 4 Create documentation mechanism in connection with court reform initiatives
- 5 Establish long-range automation oversight function
- 6 Initiate review of existing legal research capabilities and future needs
- 7 Create budgetary and fiscal control oversight and planning council

1 Court planning mechanism

The effort to begin future planning and thinking can be directed in an organized manner through the MOJ itself with the assistance of the AOJS project staff. AOJS personnel are aware of various models of court systems currently in use in the US and elsewhere and can help to set an agenda for consideration by

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whatever institutional mechanism the MOJ chooses to use to address this need. The MOJ however will have to use its persuasive abilities to achieve focus on the objectives of the planning effort and to take the lead in setting the final agenda and priorities for consideration. Once such a mechanism is in place it can study, discuss, deliberate and recommend future technologies and management approaches for the Egyptian court system for many years to come, well after the life of the AOJS project. The role of AOJS here would be an organizational one and initial assistance to MOJ in directing deliberation of various technologies during the implementation phase of the project. Collectively, AOJS and MOJ would establish the framework for a long-term study and planning effort.

2 Court Organizational and personnel review structure

Like the court planning mechanism described above, which would concentrate on court physical and systemic changes, the MOJ should also create a process for review and future planning in areas involving the human side of the court system. A system must be made available to begin the process of making the staff and particularly the middle management level employees a more effective and important part of the court process. The need for better recruitment, training and development of more responsibility on the part of these employees is essential to success. Likewise, court staff must have a personnel system that instills in them a sense of performance based reward and a desire for professional improvement. In addition, management styles of court leadership must be examined and revised to take advantage of the improved professionalism of the court staff. This will involve a major cultural and paradigm shift on the part of both the management and the staff of the courts.

3 Documentation

The need for documentation of past and future changes to the court operational and management structure should be apparent to all parties. The system is about to undergo significant change which is, required to be sustainable and replicable. In order to assure that these changes survive the end of the AOJS project and that they are indeed capable of replication it is necessary that an ongoing effort be undertaken to systematically document each modification to the system as it occurs. Accordingly both the project and the MOJ should develop a system that assures that process.

4 Automation Oversight

Since the automation effort mounted through the AOJS project is so essential to success and since both the technology itself and the uses to which it is put are new to the court system, there is a serious need for ongoing automation support. Accordingly a systematic process should be instituted to maintain this support. Initially this would be a joint MOJ/AOJS effort but ultimately would be permanently retained as a MOJ function.

5 Legal Research

A plan should be developed to determine needs for legal research capabilities of court judges and other staff. A goal of this plan should be to create opportunities to supplement existing legal research tools beyond the AOJS effort to automate certain aspects of research.

6 Budget and fiscal control

The internal aspects of MOJ practices in connection with budgetary control and fiscal policies should be examined to determine future needs and current priorities. The need for future revenue sources should be reviewed and suggestions for revenue enhancement examined. Ultimately the needs of the courts here should be given top priority but the other fiscal needs of the MOJ should be considered also.

SPECIFIC RECOMMENDATIONS AND ALTERNATIVES

1 Court planning

- The AOJS and MOJ should jointly establish a permanent Court Planning Commission. This Commission would be made up of high level MOJ judicial staff and other key personnel supplemented by AOJS staff and consultants as necessary in an advisory capacity. The Commission would undertake to assist AOJS initially in developing proposals and advising MOJ on such items as

Court facilities and infrastructure development and management
Future technologies and concepts
Court Administration mechanisms
Interrelationship issues concerning outside agencies
Directions and policies regarding institutional change

- The AOJS project should outline those areas that will require outside consulting effort to carry out the mission of the project and seek MOJ concurrence as to the necessity and scope of work of such consultants.
- The MOJ should endorse the concept of the permanent professional Court Administrator position and begin the process of recruitment and hiring. AOJS staff should assist in the development of job descriptions and recruiting material. AOJS should also consult in the hiring process.
Alternative. The MOJ should designate a specific high level member of the Judiciary to work directly with the court administration aspect of the project on a full time basis to provide liaison and assistance to the project team in implementation.

2 Court organizational and personnel review

- The MOJ should establish a Court Human Resources committee composed of senior level MOJ judicial personnel with technical advice from AOJS. This committee would advise MOJ in the following areas

Personnel recruitment and training
General work ethic policies and improvement
Organizational charts/delegation of authority
Future personnel needs and planning
Performance-based promotion and reward systems

- The MOJ should immediately commission a review of current job classification systems, job descriptions and compensation levels. This review should produce a final report making recommendations to the Minister in regard to future staffing practices.

- The MOJ should begin development of a new work rule document designed to create an atmosphere of responsibility and accountability among employees. This document should be developed for distribution to newly hired employees and should also be used for retro training of existing court staff.

3 Developmental documentation

- AOJS should initiate a joint effort with MOJ to provide rules, guidelines and mechanisms to assure complete documentation of all reform measures and efforts over the life of the project.
- MOJ should undertake parallel efforts to retroactively document all changes made to the system and to the two Pilot Courts and to assure future documentation of ongoing efforts by MOJ outside of the project and following the life of the project.
- AOJS should assist MOJ in establishing a standing committee to develop, distribute and maintain procedures manuals. AOJS staff should assist this committee in drafting a manual documenting existing procedure with provisions for modification as new procedures are installed during and after the life of the project.
- AOJS should undertake a review of all forms, routine documents and procedural directives currently in use in the North Cairo court for purposes of creating a list of needed revisions and replacements. This list should be used as a reference for future standard forms design.
- MOJ should create a standing forms design and review committee. This committee should cooperate with AOJS in the initial forms development process and should ultimately be responsible for ongoing future forms review and revision. This committee should be made up of at least one senior MOJ official and working judges together with AOJS advisory personnel.

4 Automation Oversight

- MOJ should begin preparation for the establishment of a permanent Automation Oversight committee. This committee would be made up of senior level judges and court employees including senior staff at JIC. AOJS would provide technical assistance to this committee. This committee would advise MOJ in regard to:

- Automation policy
- Automation procedures
- Replication activities and costs
- JIC's ongoing role in the MOJ structure
- Future development of automated systems
- Education/training needs for MOJ, judges, employees and outside agencies

- MOJ and AOJS should jointly develop plans for:

- System stability over at least a 5-year period
- Manual fall back procedures in connection with system failure
- JIC participation in ongoing and future court related improvement

- JIC, in cooperation with AOJS should begin development of plans for replication of systems to be delivered by AOJS over the life of the project. These plans should include budgetary analysis in connection with projected future automation costs. It should also provide for the

establishment of a Replication Unit at JIC which would specifically be charged with leadership responsibility in regard to future system development

- AOJS should prepare and provide MOJ with a schedule of projected costs in regard to ongoing maintenance of automated equipment MOJ should provide such costs to the appropriate department of GOE to assure necessary funding in out years

5 Legal Research

- AOJS and MOJ should immediately undertake a needs assessment directed at the judges and senior staff of the various courts to determine the extent of current legal research materials and tools and future needs
- Following the needs assessment a plan should be developed by AOJS for MOJ to supplement existing non automated legal research capabilities both in the courts themselves and in the homes of the judges Particular attention should be paid to the Pilot Court experimental panels to assure both automated and non automated legal research capabilities
- Legal research facilities and capabilities should be provided, improved and supplemented within both of the Pilot Courts facilities This should include both automated and non automated research tools

6 Budget and fiscal control

- MOJ should initiate a process of review of all revenue producing aspects of the court process to the end of replacing the existing variable fee structure with single flat fees wherever possible
- Additional flat fees should be considered for various court services including certificates copies etc
- Fees for services should go directly into the appropriate court account applicable to the particular service provided (e.g. copy equipment fund automation fund microfilm fund etc)
- A study should be undertaken by MOJ to determine the availability of revenue sources outside of the annual budget process resulting in a coordinated revenue-enhancing plan utilizing such sources
- AOJS should produce an automation equipment maintenance plan for MOJ budgeting purposes This plan should be consistent with contractual requirements for MOJ assumption of equipment maintenance over the life of the project
- MOJ should undertake a study to determine current levels of Pilot Court operating costs in both North Cairo and Ismailia These costs should be reviewed by AOJS and recommendations made regarding cost-saving procedures