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ADMINISTRATION OF JUSTICE SUPPORT PROJECT (AOJS)

REPORT ON LAWYERS SURVEY  
OF  
PERCEPTIONS TOWARD PILOT COURTS  
OPERATIONS  
(NORTH CAIRO COURT)

AMIDEAST  
القانون

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## BACKGROUND

The Administration of Justice Support Project (AOJS) is a joint enterprise between the United States Agency for International Development (USAID) and the Egyptian Ministry of Justice (MOJ). It is an effort to provide an improved civil legal system in Egypt by achieving two principal results: first, improved efficiency in two pilot court systems, and second, the improvement of judges' knowledge and application of Egyptian civil law. These results are to be reached through three objectives:

- 1- The development of administrative procedures in two pilot courts to demonstrate techniques for administrative reform and improvement in the operation of court business through automated and manual systems
- 2- Assistance to the National Center for Judicial Studies (NCJS) in achieving its mission to improve and maintain judicial proficiency through administrative and curriculum reform
- 3- Demonstration of a system of judicial access to national legal databases and usage of automated systems in judicial decision-making through the introduction of computers into the homes of a pilot group of judges

To meet USAID contract requirement, AOJS developed a comprehensive frame to periodically monitor and evaluate the project performance. It included several indicators that could be used by donor, recipient and project staff to track progress over the five-year life of the project. One of these indicators is the "improvement in lawyers perception toward court operations". Therefore, this survey has been designed to obtain an overall court operation efficiency rating from a sample of lawyers practicing in the pilot courts. The extracted figure from the data collected in 1997 will serve as a baseline. The same lawyers will be interviewed annually to determine the improvement achieved as a result of the intervention.

## METHODOLOGY

A questionnaire was developed in close collaboration with the AOJS Court Administration Team. It included four types of questions:

- 1- Eligibility questions to ensure that all interviewees have been involved in civil/commercial cases. Alongside, they have past experience dealing with the North Cairo Court
- 2- Lawyers' opinions of the administrative and case disposition procedures as well as the work environment in North Cairo Court e.g. space, ventilation, light, etc
- 3- Questions that were intentionally inserted to test consistency and reliability of the collected information
- 4- Lawyers suggestions to improve the performance of the court system in relationship to civil and commercial cases

After its development, it was reviewed by Senior members of the North Cairo Court appropriate AOJS staff and the USAID Program Officer. A five-case pre-test was carried out prior to the field work. Based on feedback, the questionnaire was put into its final form. Arabic and English copies of the form are attached to this report.

Number of lawyers dealing with the North Cairo Court was estimated to range between 200 and 250. Interviews were successfully completed with 89 out of them covering 35-45% of the intended population. This indicates the adequate representation of the selected sample.

Two data collectors were recruited from among the recent graduates of Law School. The survey team followed two criteria in selecting interviewers:

- 1- Have a legal background to allow smooth communication with lawyers
- 2 Have no previous experience with the Court System in Egypt so that we could avoid any possible bias in data collection

After a one-day orientation, the field work was completed in the Court Lawyers Room during the first two weeks of December 1997. Data collection was carried out under direct supervision of the AOJS Legal Expert and Research Consultant. All questionnaires were subject to office editing and open questions were categorized before starting data entry. After validation and consistency checks, summary tables and indicators were produced.

As mentioned earlier, the main objective of this study is to produce a single figure reflecting lawyers' perceptions of pilot courts operations. What was obtained this year would serve as a baseline figure whereas the same group will be re-interviewed periodically every year to monitor the project impact on lawyers' attitudes.

## ANALYSIS

In spite of the fact that giving names and addresses was optional, 89% of the interviewed lawyers agreed to give their names. In addition to indicating the high credibility, this enables the process of tracking the same group every year, and accordingly, accurately monitors the trend of lawyers' satisfaction over the life of the project.

The experience of lawyers participating in the sample ranged from two to thirty years with an average of 10 years of experience. North Cairo Court cases reached, in average, 51% of the total number of cases they dealt with. Also, about 68% of their total cases were of civil or commercial nature. Data collectors were continuously reminding participants that answers should be bounded to practices with the North Cairo Court. Therefore, it can be concluded that the opinions stated in this report are exclusively responding to the scope of the AJOS activities.

Table (1) of this report provides a list of administrative and case disposition procedures, and also factors related to work environment in North Cairo Court. For each procedure/factor, the table shows the average rating extracted from the survey indicating lawyers' perception.

**Table (1)**

<b>First Administrative Procedures</b>	<b>Average Rating</b>
1 1 Fees assessment	2 8
1 2 Fees review	2 8
1 3 Fees payment (cashier)	2 1
1 4 Case microfilming	1 1
1 5 Determination of circuit and 1 <sup>st</sup> session date	3 2
1 6 Scheduling	3 3
1 7 Acknowledging litigants (Services Department)	1 4
1 8 Collection of official copies of documents/judgments/session minutes	2 3
1 9 Receipt of original documents of disposed cases	2 8
1 10 Collection Unit (paying or retrieving case or lawyers' fees)	1 8
<i>Average rating of 1<sup>st</sup> group</i>	2 3
<b>Second Case disposition procedures</b>	
2 1 Respecting official starting time of sessions	1 2
2 2 Sessions attendance system, and the size and conditions of room	1 5
2 3 Enough time for litigants to express themselves	1 8
2 4 Responsiveness to lawyers' legal requests	2 4
2 5 Timely disposition of the case	1 6
2 6 Acceptable postponement span	2 3
2 7 Expediency of referral to Expert Department	3 0
2 8 Knowledge of recent changes in the law	3 5
2 9 Reviewing the case file prior to session	2 3
2 10 Session minutes are accurate and complete (true reflection of facts presented during sessions)	2 5
2 11 Time taken by Experts Office to produce report	1 0
<i>Average rating of 2<sup>nd</sup> group</i>	2 1
<b>Third work environment</b>	
3 1 Old North Cairo Court building	1 2
3 2 New North Cairo Court building	1 0
<i>Average percentage of 3<sup>rd</sup> group</i>	1 1
<b>COMBINED AVERAGE RATING OF ALL PROCEDURES/FACTORS</b>	<b>2 13</b>



**Table (2)**

Rating Scale	Administrative procedures	Case disposition procedures
<b>Unacceptable</b> (average rating of less than 1.5)	<ul style="list-style-type: none"> <li>• Case microfilming</li> <li>• Acknowledging litigants (Services Department)</li> </ul>	<ul style="list-style-type: none"> <li>• Respecting official starting time of sessions</li> <li>• Time taken by Expert Office to produce reports</li> </ul>
<b>Poor</b> (average rating of 1.5 to less than 2.5)	<ul style="list-style-type: none"> <li>• Fees payment (Cashier)</li> <li>• Collection of official copies of documents, judgments and session minutes</li> <li>• Collection Unit (paying or retrieving case or lawyers' fees)</li> </ul>	<ul style="list-style-type: none"> <li>• Sessions attendance system, and the size and condition of room</li> <li>• Enough time for litigants to express themselves</li> <li>• Responsiveness to lawyers legal requests</li> <li>• Timely disposition of the case</li> <li>• Acceptable postponement span</li> <li>• Reviewing the case file prior to session</li> </ul>
<b>Acceptable</b> (average rating of 2.5 to less than 3.5)	<ul style="list-style-type: none"> <li>• Fees assessment</li> <li>• Fees review</li> <li>• Determination of circuit and 1<sup>st</sup> session date</li> <li>• Scheduling</li> <li>• Receipt of original documents of disposed cases</li> </ul>	<ul style="list-style-type: none"> <li>• Expediency of referral to Expert Department</li> <li>• Session minutes accurate and complete (true reflection of facts represented during sessions)</li> </ul>
<b>Good</b> (average rating of 3.5 to less than 4.5)		<ul style="list-style-type: none"> <li>• Knowledge of recent changes in the law</li> </ul>
<b>Very good</b> (average rating of 4.5 or more)		

Lawyers participating in this survey estimated that 24% of judgments of appealed cases were changed by the High Court of Appeal. This means that out of each four appealed cases three judgments were found correct by the next higher level court. Despite their low perception of the court operations, lawyers generally trust the accuracy of judgments passed by the North Cairo Court. This finding might conform lawyers' opinion about "judges' knowledge of recent changes in the law" which received, as mentioned in table (1), the highest rating.

Comparing administrative work style and interaction in North Cairo Court to other courts in Egypt, 44% of the interviewed lawyers reported that it was better while 51% didn't recognize any difference. Regarding case disposition procedures, only 12% thought they were better but the majority (83%) found them to be of equal level with the corresponding procedures in other courts. The answer to this question was of limited use as the survey was taking place for the first time. Starting next year, such comparison will be of great help in cross-checking the accuracy and consistency of the other questions of the form.

Several suggestions have been given by lawyers to improve the court performance. Recommendations which were most frequently mentioned are:

- 1- Improving the microfilming service. Eliminating it or at least to be limited to important cases.
- 2- Putting fees' assessment, review and collection in one place. Having more than one Cashier.
- 3- Having more than one person to print the National Official Stamp so that lawyers could avoid waiting in long queues for obtaining this service.
- 4- Judges should respect sessions' starting time as well as the official working hours.
- 5- Judges should be specialized in one area e.g. civil, commercial, criminal, etc. This would reduce time and improve efficiency.
- 6- Determining a dead-line for reporting back when cases referred to the Expert Office.
- 7- Recruiting university-graduate staff for the Service Department. Setting up a stronger monitoring and supervision system to accurately assess their performance.
- 8- Lawyers should be given enough time to express themselves during hearing sessions. This might require increasing numbers of judges and circuits.
- 9- To resolve the space problem, entry to court rooms should be limited to lawyers and litigants.
- 10- Renovating the old building.
- 11- Establishing a library for law references, periodicals and journals so that lawyers can have access to the recent changes.
- 12- Training of court administrative staff so they better communicate with the public.
- 13- Having a case review phase prior to processing (civil persecution) to assure accuracy and completeness of the case file. This would undoubtedly save judges' time and avoid unneeded postponements.

## RECOMMENDATIONS

In order to achieve tangible improvement in lawyers perception of the North Caro Court operations, AOJS should give priority court procedures which received the lowest ratings. However, this doesn't necessarily mean ignoring the order procedures but it is advisable to start focusing on the following

- 1 Renovate the old building and redistribute the workload to save lawyers' effort and time wasted in moving between the old and new buildings. For instance, to put all procedures related to criminal cases in one building and those of civil/commercial cases in the other
- 2 Encourage Judges to respect starting time of sessions and observe the official working hours
- 3 Establish clear and specific work protocols, the Service Department Review staff recruitment requirements, and set tight measures to appraise the staff performance
- 4 Improve on Eliminate microfilming to avoid the wasted time to get this incomplete service
- 5 Strengthen the technical and management capabilities of the Expert Office so that it produces reports of referred cases in a timely manner. Also reduce the number of cases unnecessarily referred to the experts

**Administration of Justice Support Project (AOJS)**

**QUESTIONNAIRE OF  
LAWYERS PERCEPTIONS OF  
PILOT COURTS OPERATIONS  
NORHT CAIRO COURT**

**December 1997**

Lawyer's Name \_\_\_\_\_  
**Optional**

Experience \_\_\_\_\_ Years

Address \_\_\_\_\_  
**Optional**

Phone No \_\_\_\_\_  
**Optional**

Data Collector's Name \_\_\_\_\_ Date \_\_\_\_\_

Start Time \_\_\_\_\_ End Time \_\_\_\_\_ (list hour & minute)

*Please put a check mark in the appropriate box According to the Following Scale*

- 1 means Unacceptable*
- 2 means Poor*
- 3 means Acceptable*
- 4 means Good*
- 5 means Very Good*

<b>First Administrative Procedures</b>						
#	Procedure	1	2	3	4	5
1 1	Fees Assessment					
1 2	Fees Review					
1 3	Fees Payment (Cashier)					
1 4	Case Microfilming					
1 5	Determination of Circuit and 1 <sup>st</sup> Session Date					
1 6	Scheduling					
1 7	Acknowledging Litigants (Services Dept )					
1 8	Collection of Official Copies of Documents/ Judgements/ Session Minutes					
1 9	Receipt of Original Documents of Disposed Cases					
1 10	Collection Unit (Paying or Retrieving Case or Lawyers' Fees)					

Second Case Disposition Procedures						
#	Procedure	1	2	3	4	5
2 1	Respecting Official Starting Time of Sessions					
2 2	Sessions Attendance System, and the Size and Condition of Room					
2 3	Enough Time for Litigants to Express Themselves					
2 4	Responsiveness to Lawyers' Legal Requests					
2 5	Timely Disposition of the Case					
2 6	Acceptable Postponement Span					
2 7	Expediency of Referral to Experts Dept					
2 8	Knowledge of Recent Changes in the Law					
2 9	Reviewing the Case File Prior to Session					
2 10	Session Minutes Accurate and Complete ( <i>True Reflection of Facts Presented During Sessions</i> )					
2 11	Time Taken by Experts Office to Produce Reports					

**Third** What Is The Percent Of Civil/ Commercial Cases To Total Number Of Cases You Deal With in General? ----- %

**Fourth** What Is The Percent Of Civil/ Commercial Cases With North Cairo Court 1<sup>st</sup> Instance To Total Number Of Cases? -----%

**Fifth** What Is The Percentage Of Judgements Passed By North Cairo First Instance Court That Was Changed By The High Court Of Appeal? -----%

**Sixth** Is The Work Environment In North Cairo Court, E G Space, Ventilation, Light, Cleanliness, And Accessibility Adequate In

	1	2	3	4	5
<b>Old North Cairo Court Building</b>					
<b>New North Cairo Court Building</b>					

**Seventh** Is There Improvement In Performing The Procedures Related To Civil/ Commercial Cases In The North Cairo Court Compared To Last Year?  
 Yes - List Percentage ----%       No  
*(Collect Answer Starting Project Year #3 98/99)*

**Eighth**

A Comparing Administrative Work Style and Interaction In North Cairo Court To Other Courts, Is It  
 Better       Equal       Less

B Comparing Case Disposition Procedures In North Cairo Court To Other Courts, Is It  
 Better       Equal       Less



## مشروع دعم ادارة العدالة

استبيان اطباء محامى المحامين عن أسلوب عمل المحاكم الرائدة  
(محكمة شمال القاهرة الابتدائية)

ديسمبر ١٩٩٧

_____	اسم المحامي (اختياري)
_____	فترة الحرة
_____	العنوان ورقم التليفون (اختياري)
_____	اسم الناحية
_____	تاريخ استيفاء الاستمارة
_____ (ادكر الساعه والدعمه)	وقت بدء الاستيفاء
_____ (ادكر الساعه والدعمه)	وقت الانتهاء

ضع علامة (✓) في المكان المناسب وفق الجدول التالي

- ١ مستوى اداء غير مقبول
- ٢ مستوى اداء ضعيف
- ٣ مستوى اداء مقبول
- ٤ مستوى اداء جيد
- ٥ مستوى اداء جيد جدا

اولا الاجراءات الادارية						
م	الخطوات/ الاجراءات	١	٢	٣	٤	٥
١-١	تقدير الرسوم					
٢-١	مراجعة الرسوم					
٣-١	اداء الرسوم (الحريية)					
٤-١	تصوير عريضة الدعوى/ حافظة المستندات بالمكروفيلم					
٥-١	تحديد الدائرة وتاريخ الجلسة					
٦-١	فيد الدعوى في الحدود					
٧-١	اعلان الحصوم في الدعوى (قلم المحصرين)					
٨-١	الحصول على صور رسمية من المستند/ الأحكام/ محاضر الجلسات					
٩-١	استلام اصول المستندات في القضايا التي تم الفصل فيها					
١ - ١	فلم المطالنه (اجراءات سندد/ اسرداد رسوم الدعوى وانعاب المحاماه)					

ثانيا الاجراءات المرتبطة بالفصل في الدعوى						
م	الخطوات/ الاجراءات	١	٢	٣	٤	٥
١-٢	الالتزام بمواعيد بدا الجلسات					
٢-٢	نظام حضور الجلسات و مدى استيعاب القاعة للجمهور و حالتها					
٣-٢٠	الوقت الكافي لسماع دفاع الحصوم					
٤-٢	الاستحانة للطلبات القانونية لدفاع الحصوم					
٥-٢	سرعة الفصل في الدعوى					
٦-٢	ملائمة فترات التاحيل					
٧-٢	سرعة احالة الدعوى لمصلحة الحبراء					
٨-٢	الالمام بالتعديلات المستحدثة في القوانين					
٩-٢	الاطلاع على محتويات ملف الدعوى قبل بدا الجلسة					
١ - ٢	مطابقة محاضر الجلسات لما ورد بها من و فافع					
١١-٢	الوقت المسعوق لاعاد التقارير بمعرفه مكتب الحبراء					

تالتا ما هي نسبة القضايا المدنية والتجارية الكلية الى حملة القضايا التي تاتىرونها عموما؟	----	%
رابعا ما هي نسبة القضايا المدنية و التجارية امام دوائر محكمة شمال القاهرة الابتدائية الى حملة القضايا؟	----	%
خامسا ما هي نسبة القضايا التي تم تعديل الأحكام الصادرة فيها من محكمة شمال القاهرة الابتدائية من حملة الدعوى التي قتم باستئنافها امام محكمة الاستئناف العالي؟	----	%

سادسا هل ترى ان ظروف العمل بصفة عامة مثل المساحة و التهوية و الاضاءة والنظافة وكفاية الأماكن وسهولة التنقل داخل المحكمة الح ، كافة داخل

٥	٤	٣	٢	١

منى محكمة شمال القاهرة الابتدائية القديم

منى محكمة شمال القاهرة الابتدائية الجديد

ساعا في رايك هل هناك تحس في مستوى اداء خطوات و اجراءات التقاضي في الدعاوى المدنية والتجارية في محكمة شمال القاهرة مقارنة بالعام الماضي؟  
( ) نعم - اذكر نسبة التحس ---%  
( ) لا

(يستوفى هذا السؤال اعتبارا من المسه الثالثه في عمر المشروع ٩٩/٩٨)

تامنا

ا بمقارنة اسلوب العمل الاداري و التعامل داخل محكمة شمال القاهرة بالمحاكم الأخرى، هل هو  
( ) افضل ( ) مماثل ( ) اقل

ب بمقارنة اسلوب العمل بالنسبة لاجراءات الفصل في الدعوى داخل محكمة شمال القاهرة بالمحاكم الأخرى، هل هو  
( ) افضل ( ) مماثل ( ) اقل

تاسعا اذكر مقترحاتكم لتحسين مستوى الأداء واحتصار الوقت اللازم للفصل في الدعاوى المدنية والتجارية امام الدوائر الكلية بمحكمة شمال القاهرة الابتدائية

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استخدم ورق اصافي ادا دع الحاجة